

AGENDA ITEM: 12

CASE NUMBER: PD 21-15 L.U.C.B. MEETING: 10 June 2021

**DEVELOPMENT:** Broad Avenue Plaza Planned Development

**LOCATION:** 2977 Broad Avenue

**COUNCIL DISTRICT:** District 5 and Super District 9

**OWNER:** MVS Real Estate Mid Town, LLC

**APPLICANT:** Spire Enterprises

**REPRESENTATIVE:** John Behnke

**REQUEST:** Special use permit for a planned commercial development

AREA: 1.6 acres

**EXISTING ZONING:** Residential – 6 and Commercial Mixed Use – 1

### **CONCLUSIONS (p. 21)**

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

- The site is split-zoned between Residential 6 (R-6) and Commercial Mixed Use 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

# **CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)**

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

#### **RECOMMENDATION (p. 22)**

Rejection

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report 10 June 2021 PD 21-15 Page 2

#### **GENERAL INFORMATION**

Street Frontage: Tillman Street (Minor Arterial) 169 linear feet

Sam Cooper Boulevard (Minor Arterial) 388 curvilinear feet

Broad Avenue (Major Collector) 258 linear feet

**Zoning Atlas Page:** 2035

**Parcel ID:** 037039 00009C

**Existing Zoning:** Residential -6 and Commercial Mixed Use -1

#### **NEIGHBORHOOD MEETING**

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

#### **PUBLIC NOTICE**

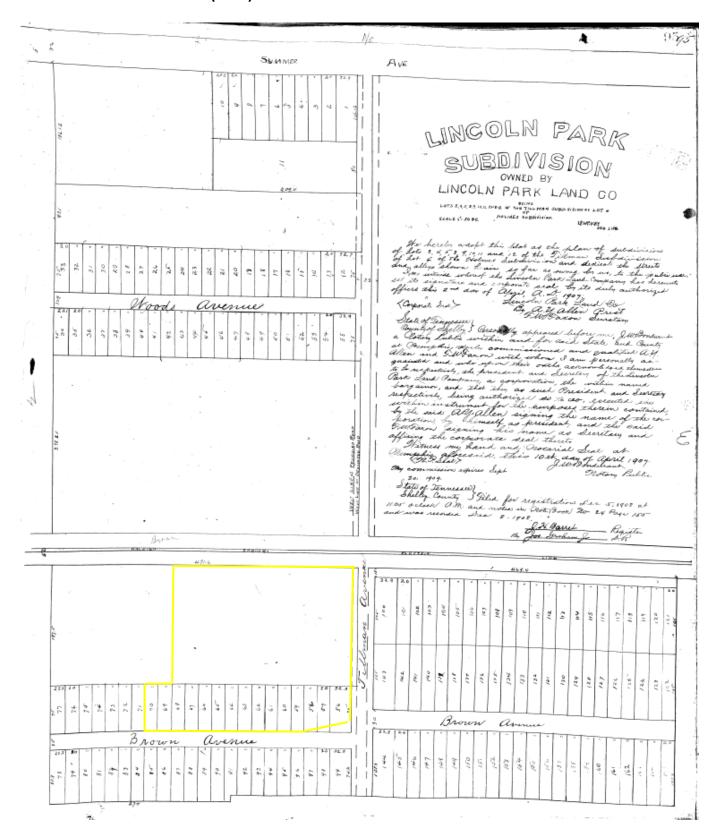
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

# **LOCATION MAP**



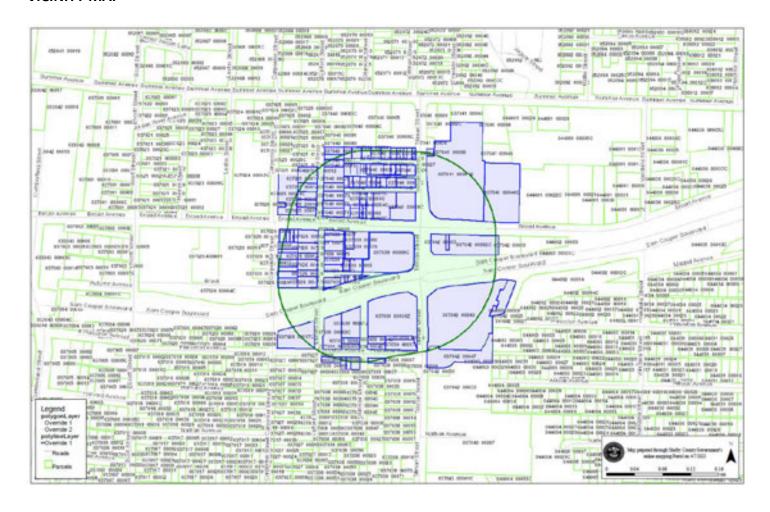
Subject property located in Binghamton

#### **LINCOLN PARK SUBDIVISION (1908)**



Property boundaries outlined roughly in yellow. No survey was submitted.

# **VICINITY MAP**



#### **AERIAL PHOTO WITH ZONING**

Without planning applications



**Existing Zoning:** Residential -6 and Commercial Mixed Use -1

# **Surrounding Zoning**

North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3

**East:** Commercial Mixed Use – 3

**South:** Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

# **LAND USE MAP**



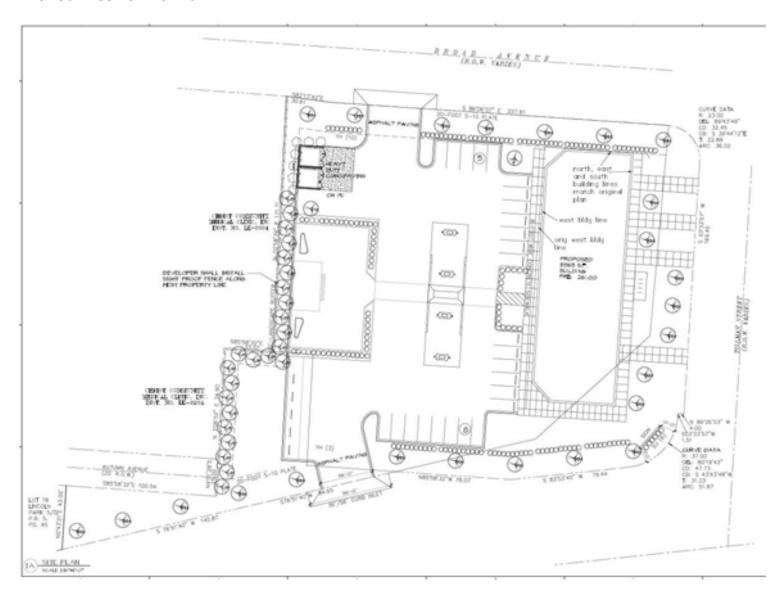
- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- =
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

# **SITE PHOTO**



View of part of site, looking east down Sam Cooper

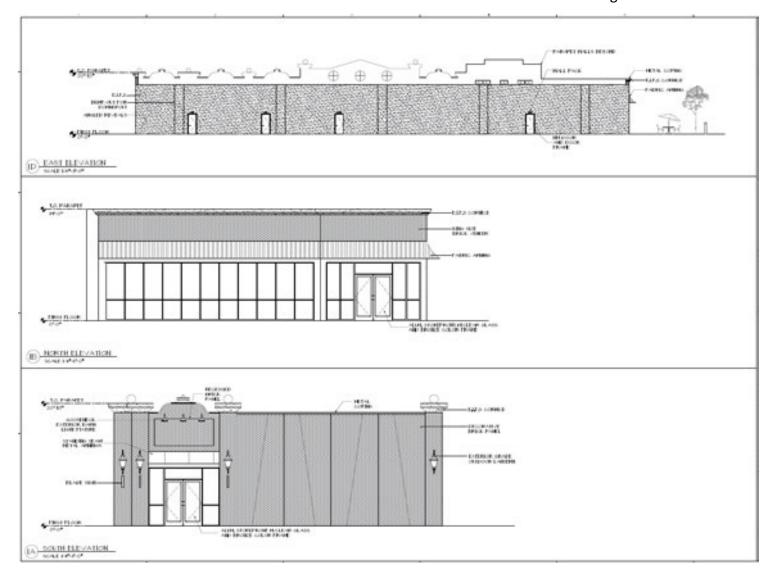
#### PROPOSED CONCEPTUAL SITE PLAN



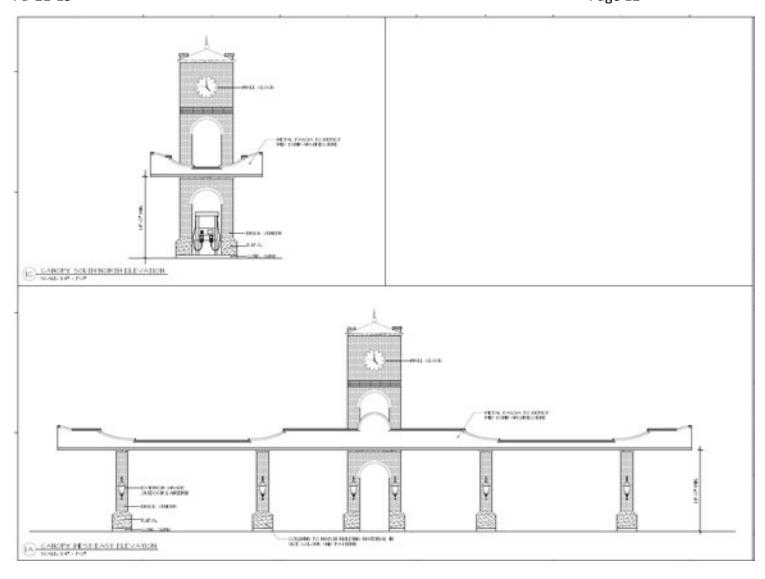
The conceptual design incorporates adjacent right-of-way approved for closure by City Council (see SAC 20-21) for access from Sam Cooper; however, conditions of closure have not yet been met. Because the right-of-way is zoned residential, UDC Section 4.4.5 would prohibit its use for driveway purposes unless incorporated into the planned development once closed or otherwise rezoned.

#### PROPOSED CONCEPTUAL ELEVATIONS





10 June 2021 Page 12



# PROPOSED CONCEPTUAL RENDERINGS















#### STAFF ANALYSIS

#### **Request**

The request is for a special use permit for a planned commercial development with gas pumps.

The application form and letter of intent have been added to this report.

#### **Applicability**

Staff *disagrees* that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

#### 4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

#### **General Provisions**

Staff *disagrees* the general provisions as set out in Section 4.10.3 of the Unified Development Code are or will be met.

#### 4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

#### **Commercial or Industrial Criteria**

Staff *agrees* the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

#### 4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

#### A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

#### B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

#### C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

#### D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

#### **Approval Criteria**

Staff *disagrees* the special use permit approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

#### 9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

#### **Site Description**

The subject site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

#### **Site Zoning History**

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

#### **Plan Review**

A full plan review will take place during final plan review, if approved.

# **Staff Inspiration Photo**



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

Staff Report PD 21-15 10 June 2021 Page 21

#### **Conclusions**

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential -6 (R-6) and Commercial Mixed Use -1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

#### RECOMMENDATION

Staff recommends rejection.

However, if approved, staff recommends the following outline plan conditions:

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
  - A. As if zoned Commercial Mixed Use -2, with the following exceptions:
    - i. The maximum height shall be 48 feet.
    - ii. A Class III landscape buffer shall be installed along the western property line.
    - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
    - iv. No window signs or plastic signs shall be permitted.
    - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
    - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

#### II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
  - i. If within the eastern retail area a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

#### III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City Engineer:**

 Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Sewers:**

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- 6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
- 7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
- 8. Sidewalks shall be installed along all street frontages.
- 9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

#### **Traffic Control Provisions:**

- 10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

12. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

#### **Curb Cuts/Access:**

- 13. The City Engineer shall approve the design, number and location of curb cuts.
- 14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

#### **Drainage:**

- 15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

#### **Site Plan Notes:**

- 20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.
- 21. Eliminate the multiple extraneous property lines from the Site Plan.

#### **City Fire Division:**

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
  protection shall be installed and made serviceable prior to and during the time of construction except
  when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

#### **Dept. of Comprehensive Planning:**

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 - 122:

#### 1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

#### 2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



#### "AN-M" Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

#### "AN-M" Form & Location Characteristics:

**ACCELERATE:** Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

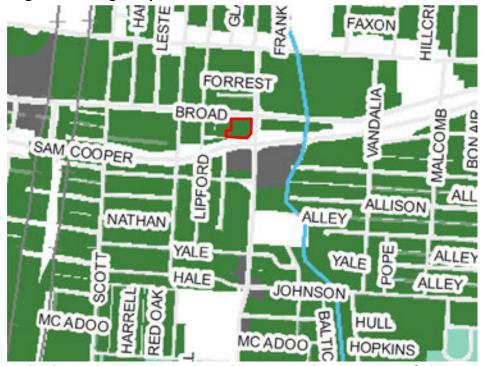
The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

#### 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district* surrounding the parcels is dissimilar in nature to the requested use.

#### 4. Degree of Change map



Red polygon denotes the proposed site in Accelerate Degree of Change area.

#### 5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.



The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal <u>IS INCONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

Staff Report 10 June 2021 PD 21-15 Page 28

City Real Estate:

County Health Department:

Shelby County Schools:

Memphis Light, Gas and Water:

Dept. of Sustainability and Resilience:

Dept. of Construction Enforcement:

No comments received.

No comments received.

No comments received.

No comments received.

#### **APPLICATION FORM**



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

# APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: April 8th, 2021	Case	#: PD 21-015		
	PLEASE TYPE OF	R PRINT		
Name of Development: Broad Avenue R	Plaza			
Property Owner of Record: MVS Real	Estate Mid Town LLC		Phone #:	
			Cordona/TN	Zip 38018
Property Owner E-Mail Address:				
Applicant: Spire Enterprises			Phone #	901-494-1559
Mailing Address: P.O. Box 77065		City/State:	Memphis/TN	Zip 38177
Applicant E- Mail Address: realestate	@johnbehnke.us			
Representative: John Behnke			Phone #:	901-494-1559
Mailing Address: P.O. Box 770065	City/State:	Memphis/TN	Zip 38177	
Representative E-Mail Address: real	estate@johnbehnke.us			
Engineer/Surveyor: David Bray, P.E Th	ie Bray Firm		Phone #	901-383-8668
Mailing Address: 2950 Stage Plaza NOrth		City/State:	Bartlett/TN	Zip 38134
Engineer/Surveyor E-Mail Address:	dgbray@comcast.net			
Street Address Location: 2977 Broad A	venue, Memphis, TN 38112-2957			
Distance to nearest intersecting stree	t: property located at the corner	of Sam Cooper Blv	/d/Broad Avenue 8	& Tillman Road
	Parcel 1	Parcel 2	1	Parcel 3
Area in Acres:	1.636 commercial			
Existing Zoning: Existing Use of Property	vacant land			
Requested Use of Property	tv retail shops/C-store		_	
Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.				
Unincorporated Areas: For reside following information:	ntial projects in unincorp	porated Shelt	by County, p	lease provide the
Number of Residential Unit	S: N/A	Bedroo	ms: N/A	
Expected Appraised Value p	oer Unit: N/A	or Tota	l Project: N/	A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes No ×

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
  - The proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use, value or enjoyment.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

These infrastructure items are already present or will be added concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
   The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The project will comply with the design standards of PD 15-318.

Homeowners' associations or some other responsible party shall be required to maintain any and all
common open space and/or common elements.

The community plaza will have a contact person and/or system for scheduling.

Lots of records are created with the recording of a planned development final plan.
 N/A

#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Fall 2020 with Mr. Brett Davis

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Todd Tobias04.08.2021John Behnke04/08/2021Property Owner of RecordDateApplicantDate

# GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A <u>THE APPLICATION</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. <u>LETTER OF INTENT</u> The letter shall include the following:
  - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

#### LETTER OF INTENT

Spire Enterprises

April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval Convenience store w/pumps | retail bays | community plaza 2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4<sup>th</sup>, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lessor degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.

Letter of Intent April 2021



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke Consultant

Letter of Intent April 2021

#### **PROPERTY OWNER'S AFFIDAVIT**



#### **Property Owner's Affidavit**

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries. contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

	LLC, state that I have read the definition oment Code Section 12.3.1 and hereby s	of "Owner" as outlined in the Memphis and state that (select applicable box):
of record as shown in the		county Assessor of Property; the mortgage holder or of Deeds; purchaser under a land contract; a r estate in the premises
	ntrol of the premises as trustee, agent, e have included documentation with this af	executor, administrator, assignee, receiver, fidavit)
	Broad Avenue Memphis 38112 and furt plication is being made to the Division of	her identified by Assessor's Parcel Number f Planning and Development.
Subscribed and sworn to (or a	ffirmed) before me this	of April in the year of 2021
Signature of Notary Public	Christina M Stice Commission Number: 38061 Notary Fublic State of Idaho My Commission Expires: 07/09/2026	MVS - Todd Tobias, Principal
My Commission Expires 07-0	94-2024	

# **SIGN AFFIDAVIT**

	חו		

State of Tennessee	hoing duly curen de	anaca and cay that at 300 amona
the _4th day ofh	lay 20 21 . I p	epose and say that at am(pm) on posted a Public Notice Sign(s) pertaining
to Case No.	at	, color a r asia rronce eign(e) pertaining
		nd Use Control Board,Memphis
		ioners for consideration of a proposed
		Special Use Permit,Zoning
		sure), a photograph of said sign(s) being
attached hereon and a co	opy of the sign purchase receipt o	or rental contract attached hereto.
John Del	nhe	MAY 5th, 2021
Owner, Applicant or Rep	resentative	Date
Subscribed and sworn to	before me this _ 6thday of	May, 20_21
- J. y =	Te )	
Notary Public	7	
Wolary Fubilo	U	muun,
My commission expires:	MY COMMISSION EXPIRES	THEY ELANG
,	APRIL 22, 2022	STATE 2
		TENNESS TEE
		NOTARY TO
		2 TUBLIC / E
		217

#### **LETTERS RECEIVED**

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace

Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses
the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to
let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

- 1. Safety This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
- Congestion Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
- 3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
- 4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time, Sean Davis

## CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL     ONLY STAPLED    TO DOCUMENTS	Planning & Z	Zoning CO		01/04/2022 DATE 01/04/2022	Planning & Development DIVISION	
X RESOLUTION		ICATION _	REQUE	ST FOR PUBLI		
ITEM DESCRIPTION:	A resolution approv	ing a commer	cial surface pa	rking lot under a	a TVA easement	
CASE NUMBER:	SUP 21-31					
DEVELOPMENT:	Surface parking lot					
LOCATION:	2961 Winchester Ro	oad				
COUNCIL DISTRICTS:	District 2 and Super	District 8 – F	Positions 1, 2,	and 3		
OWNER/APPLICANT:	2012-A Pedigo Trus	st				
REPRESENTATIVE:	The Reaves Firm					
EXISTING ZONING:	Commercial Mixed	Use – 2 (CM)	U-2)			
REQUEST:	To allow a commerc	cial surface pa	rking lot on a	site underneath a	a TVA easement	
AREA:	+/-2.62 acres					
RECOMMENDATION:	The Division of Plan The Land Use Contr				oval with conditions litions	
RECOMMENDED COUNC			ot Required ng – <u>Janurary</u>	<u>4, 2022</u>		
(1) Land Use Control Board FUNDING:		DATE ORGANIZ (2) GOV'T	ATION - (1) I	OVED (2) DENI BOARD / COMN COUNCIL CON	MISSION MMITTEE	==
( <u>2</u> )		-	S CITY EXPE OF EXPEND	ENDITURE - (1) ITURE	YES (2) NO	
\$			E TO BE REC			
SOURCE AND AMOUNT O	F FUNDS	OPERATII	NG BUDGET			
\$		CIP PROJI	ECT #			
<u>\$</u> ====================================		FEDERAL	/STATE/OTH	ER 		
ADMINISTRATIVE APPRO	OVAL:		<u>DATE</u>	<u>POSITION</u>		
				MUNICIPAL 1	PLANNER	
				DEPUTY ADM	MINISTRATOR	
				ADMINISTR <i>A</i>	ATOR	
				DIRECTOR (J	OINT APPROVAL)	
				COMPTROLL	ER	
				FINANCE DI	RECTOR	
				CITY ATTOR		
				========		==
				COMMITTEE	NISTRATIVE OFFICER CCHAIRMAN	
				COMMITTEE		



# Memphis City Council Summary Sheet

#### **SUP 21-31**

Resolution requesting a commercial surface parking lot under a TVA easement:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): 2012-A Pedigo Trust and Representatives The Reaves Firm; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

# RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2961 WINCHESTER ROAD, KNOWN AS CASE NUMBER SUP 21-31.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, 2012-A Pedigo Trust filed an application with the Memphis and Shelby County Office of Planning and Development to allow a commercial surface parking lot under a TVA easement; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 12, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

**WHEREAS,** the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

**BE IT FURTHER RESOLVED,** that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

ATTEST:

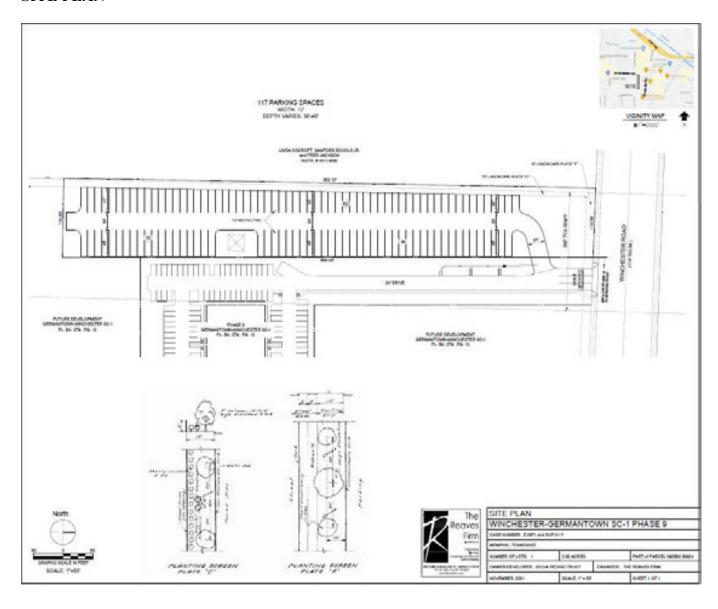
CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

# **CONDITIONS**

uses/activities are	being added that b	beyond the scope	of all prior appro	vals for the site or	this approval.

1. Future modifications to the site plan will not require re-recording of the site plan unless additional

#### **SITE PLAN**



#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 9, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-31

**LOCATION:** 2961 Winchester Road

**COUNCIL DISTRICT(S):** District 2 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: 2012-A Pedigo Trust

**REPRESENTATIVE:** The Reaves Firm

**REQUEST:** To allow a commercial surface parking lot on a site underneath a TVA

easement

**EXISTING ZONING:** Commercial Mixed Use – 2 (CMU-2)

**AREA:** +/-2.62 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 8-0 on the consent agenda.

Respectfully,

Seth Thomas

Municipal Planner

Land Use and Development Services
Division of Planning and Development

eks war

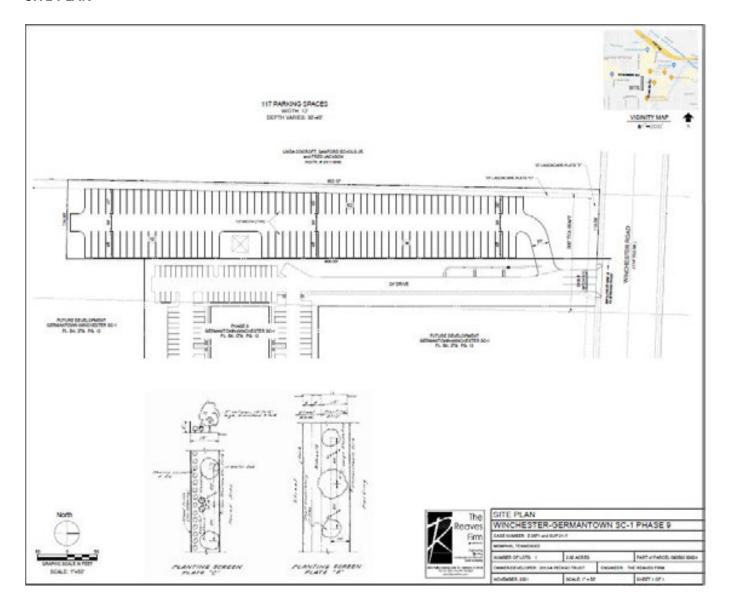
Cc: Committee Members

File

# SUP 21-31 CONDITIONS

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

#### **SITE PLAN**



# dpd STAFF REPORT

AGENDA ITEM: 10

CASE NUMBER: SUP 21-31 L.U.C.B. MEETING: December 9, 2021

**LOCATION:** 6941 Winchester Road

**COUNCIL DISTRICT:** District 2 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** 2012-A Pedigo Trust

**REPRESENTATIVE:** The Reaves Firm

**REQUEST:** Commercial parking to be allowed on a site underneath a TVA easement

**AREA:** +/-2.62 acres

**EXISTING ZONING:** Commercial Mixed Use – 2

#### **CONCLUSIONS**

- 1. The applicant is requesting commercial parking to be allowed on the site.
- 2. The lot is narrow and is under a TVA easement which precludes it from ever having a building built on this part of the property.
- 3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

#### **CONSISTENCY WITH MEMPHIS 3.0**

A consistency analysis was not conducted for this project.

#### **RECOMMENDATION**

Approval with conditions

Staff Writer: Seth Thomas E-mail: seth.thomas@memphistn.gov

Staff Report SUP 21-31 December 9, 2021 Page 2

#### **GENERAL INFORMATION**

Street Frontage: Winchester Road +/-118.29 linear feet

**Zoning Atlas Page:** 2350

Parcel ID: 093500 00625

**Existing Zoning:** Commercial Mixed Use – 2

#### **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Tuesday, November 23, 2021, on ZOOM.

#### **PUBLIC NOTICE**

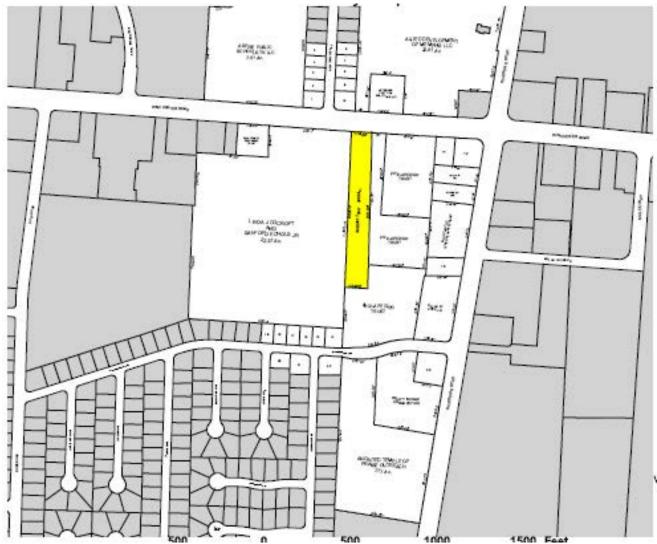
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 41 notices were mailed on November 22, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

#### **LOCATION MAP**



Subject property located within the pink circle

## **VICINITY MAP**



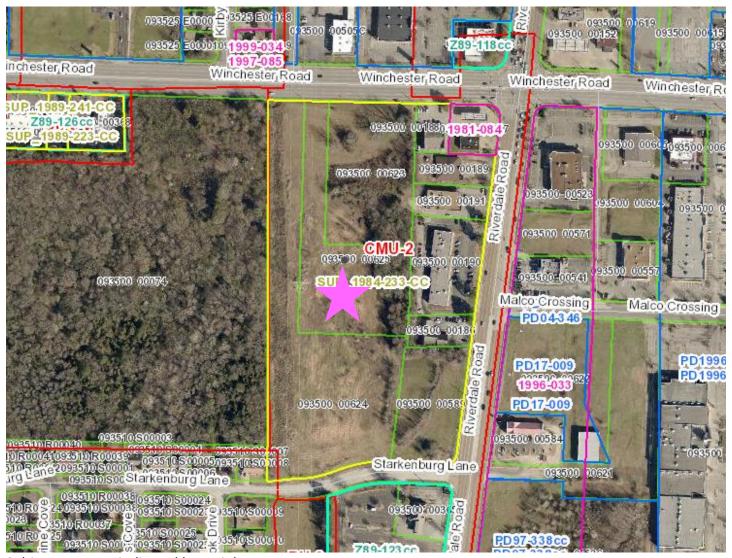
Site highlighted in yellow

# **AERIAL**



Subject property outlined in blue

#### **ZONING MAP**



Subject property indicated by a pink star

**Existing Zoning:** Commercial Mixed Use – 2 (CMU-2)

#### **Surrounding Zoning**

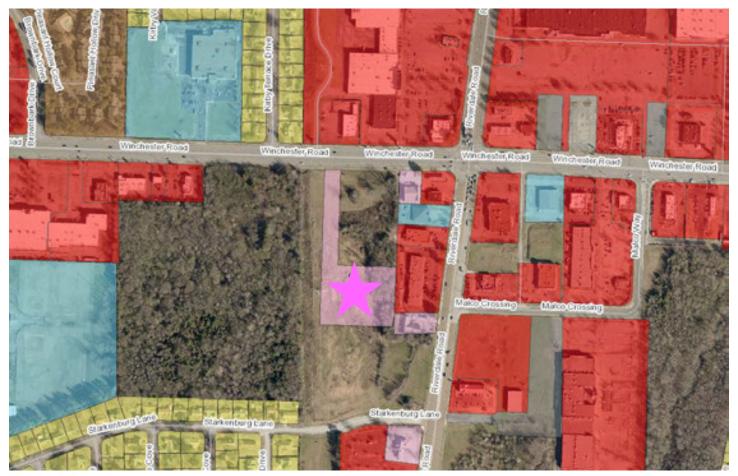
**North:** CMU-2, R-8, BOA 99-034, PD 94-347cc, PD 94-306cc, and Z-89-118cc

East: CMU-2, CA, PD 04-346, PD 17-09, PD 97-338cc,

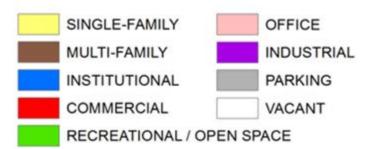
**South:** CMU-2, Z89-123cc, Ru-3, R-6

**West:** CMU-2, CA, CMP-1, Z89-126cc

#### **LAND USE MAP**

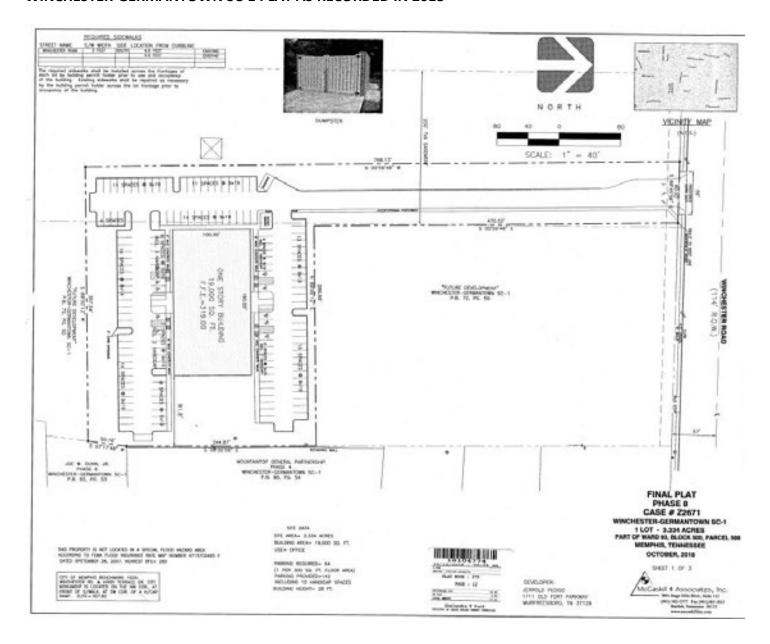


# LandUse



Subject property indicated by a pink star

#### WINCHESTER-GERMANTOWN SC-1 PLAT AS RECORDED IN 2018

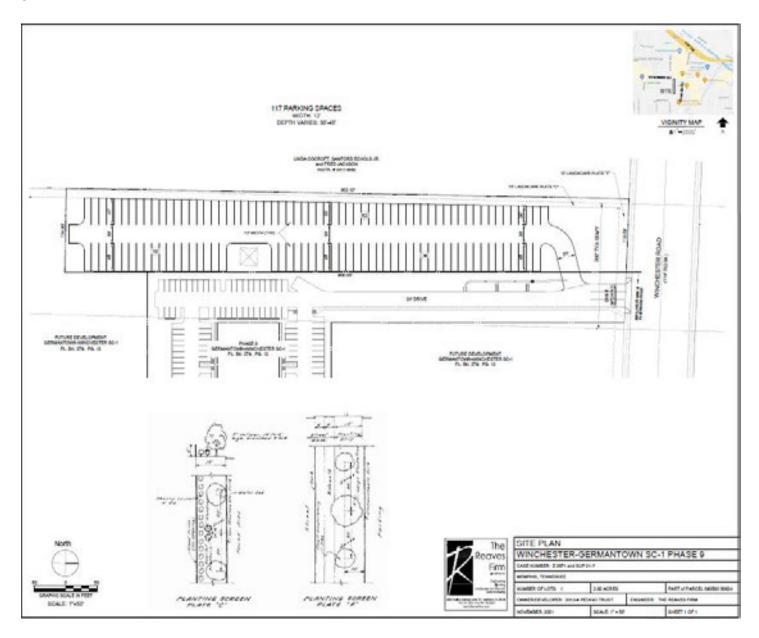


# **SITE PHOTO**

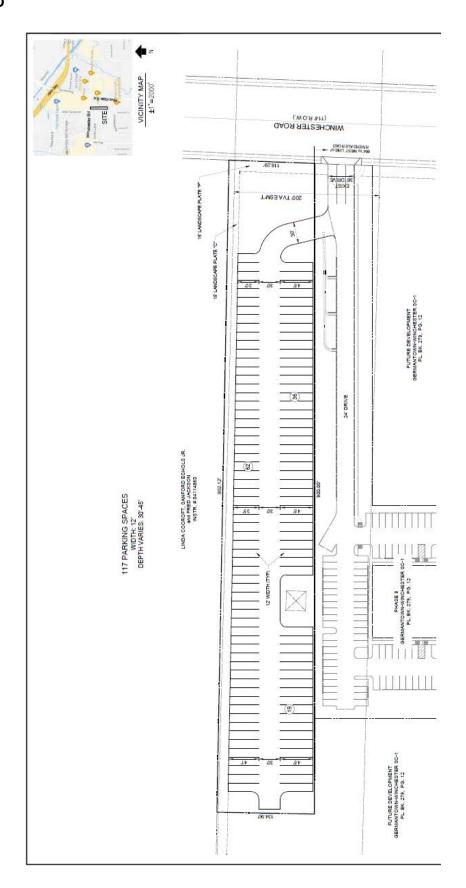


View of northernmost part of the property under the TVA Easement.

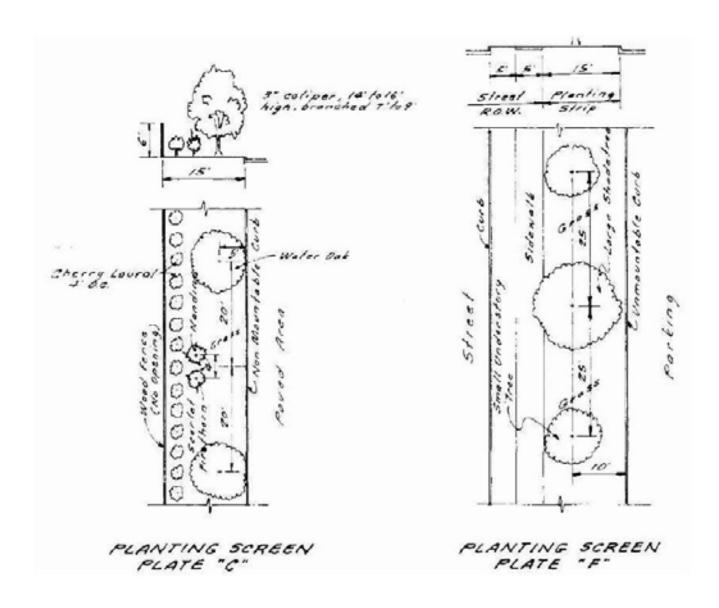
#### **SITE PLAN**



## **SITE PLAN ZOOMED**



#### **LANDSACPE PLATES**



#### **STAFF ANALYSIS**

#### **Request**

The application and letter of intent have been added to this report.

The request is for 117 Commercial Parking Spaces located beneath a TVA easement to serve an existing warehouse.

#### **Approval Criteria**

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

#### 9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

#### **Site Description**

The subject property is +/-2. 62 acres and is the western portion of a parcel (093500 00624), located at 6941 Winchester Road on the south side of the road and is zoned CMU-2. The property is part of the Phase 8 of the Winchester-Germantown SC-1 plan. Per the Assessor's Office, the principal structure on the site was built in 2021 and is a one-story office building with a ground floor area of 19,000 square feet. The proposed commercial parking area will be connected to the cub cut off Winchester Road and will be located underneath a 200-foot TVA easement.

#### Site Zoning History

On March 24, 1981, the Council of the City of Memphis approved shopping center plan for the southwest corner of Winchester Road and Germantown Road (Extended).

On October 12, 2018, a final plat was recorded for phase 8 of the Winchester-Germantown SC-1 allowing a one-story building with a curb curt off of Winchester.

#### **Consistency with Memphis 3.0**

A consistency analysis was not conducted for this project.

#### **Conclusions**

The applicant is requesting commercial parking to be allowed on the site.

The lot is narrow and is under a TVA easement which precludes it from ever having a building built on this part of the property.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

#### RECOMMENDATION

Staff recommends approval with conditions.

#### **Conditions**

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City/County Engineer:**

CITY ENGINEERING COMMENTS DATE: 12/2/2021

CASE: SUP-21-031 NAME: Commercial Parking Lot

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Sewers:**

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### **Roads:**

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### **Traffic Control Provisions:**

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a <a href="Trip Generation Report">Trip Generation Report</a> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

#### **Curb Cuts/Access:**

- 9. The City Engineer shall approve the design, number and location of curb cuts.
- 10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

#### **Drainage:**

- 11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

#### **APPLICATION**



#### MEMPHIS AND SHELBY COUNTY

#### Record Summary for Special Use Permit

#### Record Detail Information

Record Type: Special Use Permit Record Status: Assignment
Opened Date: October 29, 2021

Record Number: SUP 2021-031 Expiration Date:

Record Name: Commercial Surface Parking

Description of Work: CLONED FROM SUP 2021-030 DUE TO DOCUMENT UPLOADING ERRORS. On behalf of 2012-A Pedigo Trust, we are submitting the enclosed application to the Division of Planning and Development seeking a Land Use Control Board Special Use Permit for a portion of Winchester-Germantown SC-1 as recorded in Plat Book 72, Page 50. The property is 664 feet west of Riverdale Road and immediately west of Phase 8.

Outdoor storage of vehicles is allowed by right if it's an accessory use to an indoor multi-story mini-storage building. No such mini-storage exists, so we are filing this special use permit to request that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having a building on it.

Professional consultants include Tim McCaskill, The Reaves Firm.

Parent Record Number:

Address: 6941 WINCHESTER RD, MEMPHIS 38115

#### Owner Information

Primary Owner Name Owner Address Owner Phone

Yes 2012-A PEDIGO TRUST 1711 OLD FORT PKWY, MURFREESBORO,

TN 37129

2012-A PEDIGO TRUST 1711 OLD FORT PKWY, MURFREESBORO,

TN 37129

Parcel Information

Parcel No:

093500 00624

Page 1 of 4 SUP 2021-031

Page 2 of 4								SUP 2021-031
GENERA Application	L PROJECT INFORMA	ATION		New Sp	ecial Use	e Permit		
Date of N	Meeting			10/13/20	)21			
Name of DPD Planner			Chip Saliba					
PREAPP	LICATION MEETING							
Data Fields								
		Tota	al Fee Invo	piced: \$513.0	00	Total Balance: \$513.0		00
1338628	(Base Fee) Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	13.00	11/04/2021		PLNGSPUSE 10
1338628	Special Use Permit Fee - 5 acres or less	Guantity 1	500.00	Status INVOICED	500.00	11/04/2021	Unit	PLNGSPUSE 01
Fee Informa	tion							
Address						Surve	yur	
Tim McCaskill				Ī			Architect / (901) Engineer / 761-20	
Address								. 0. 2010
Tim McCaskill					Representative		(901) 761-2016	
Address						oi Rec	xoru	690-3000
Jerrold P	edigo	201	12-A Pedi	igo Trust		Prope of Rec	_	(615) 896-3000
Address	Suffix:							
Jerrold P	edigo			Applicant		ant	(615) 896-6300	
		O.g.	anization Na	me		Contact		Phone

Previous Case Number

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

If yes, please provide additional information

#### APPROVAL CRITERIA

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC Sub-Section 9.6.9A). The surrounding property is either vacant or commercial. This project will not adversely effect the neighborhood.

UDC Sub-Section 9.6.9B Outdoor storage of vehicles is allowed by right if it's

an accessory use to an indoor multi-story mini-storage building. No such mini-storage exists, so we are filing this special use permit to request that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having

a building on it.

UDC Sub-Section 9.6.9C The area has all the public facilities needed for this

use.

UDC Sub-Section 9.6.9D No known natural, scenic or historical features are

known to exist on this site.

UDC Sub-Section 9.6.9E The project complies with UDC standards and will

be developed in accordance with

Winchester-Germantown SC-1 as recorded in Plat

Book 72, Page 50.

UDC Sub-Section 9.6.9F The project compiles with building and zoning code

and will not cause violations.

#### GIS INFORMATION

Central Business Improvement District No

Case Layer SUP\_1984-233-CC, SUP\_1984-233-CC

Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Page 3 of 4 SUP 2021-031

Zoning CMU-2

State Route -

Lot -

Subdivision WINCHESTER GERMANTOWN SC-1

Planned Development District -

#### Data Tables

#### ADDRESS AND PARCEL LIST

Property Address: 6941 WINCHESTER RD Property Parcel Number: 093500 00625

#### Comments

Date Comment

11/04/2021 CLONED FROM SUP 2021-030 DUE TO DOCUMENT UPLOADING ERRORS

Page 4 of 4 SUP 2021-031

#### **LETTER OF INTENT**



November 4, 2021

Mr. Josh Whitehead Planning Director Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

RE: Commercial Surface Parking

Dear Mr. Whitehead:

On behalf of 2012-A Pedigo Trust, we are submitting the enclosed application to the Division of Planning and Development seeking a Land Use Control Board Special Use Permit for a portion of Winchester-Germantown SC-1 as recorded in Plat Book 72, Page 50. The property is 664 feet west of Riverdale Road and immediately west of Phase 8.

This special use permit request is that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having a building on it.

Professional consultants include Tim McCaskill, The Reaves Firm.

Your consideration of this application is greatly appreciated.

Sincerely,

Kay Maynard

#### **SIGN AFFIDAVIT**



#### AFFIDAVIT

Shelby County
State of Tennessee
1. Andrew Coleman, being duly swom, depose and say that at 9:30 mpm on
the 13" day of November , 2021, I posted a Public Notice Sign(s) pertaining to Case
No. 21-0031 at unassigned number - South side of Winchester Rd (0093500 00624)
providing notice of a Public Hearing before the:
X_Land Use Control Board,
Memphis City Council,
Shelby County Board of Commissioners
for consideration of a proposed:
Land Use Action (Planned Development),
Street /Alley Closure
X Special Use Permit,
Use Variance,
Zoning District Map Amendment.
A photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental
contract attached hereto.
Condrew Coleman 1123-21
Owner, Applicant or Representative Date
Subscribed and swum to before me this 23 day of
TENNESSEE 2
Nuffary Public NoTARY
My commission expires: 3/14/22

6800 Poplar Ave. Suite 101 Memphis, TN 38138 T. 901.761.2016 / F. 901.763.2847

OF SHELD

#### **PREVIOUS RESOLUTION**

# RESOLUTION WHEREAS, RAY GILL of the City of Memphis, Tennessee is the owner of property located at the wouthwest corner of New Germantown Road Extended and Winchester Road which is to be known as THE BAY GILL PROPERTY; and WHEREAS, RAY CILL decided to open up and improve said land and to that end secure the necessary sewer extension to serve said land as it is developed; and WHEREAS, RAY GILL has submitted a contract setting out the terms and conditions under which the sanitary sewer is to be constructed; and WHEREAS, the terms and conditions of the contract are in accordance with the policies and ordinances of the City of Memphis in the extension of sanitary sewers to serve new developments. NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Merphis that the proper officials be, and are hereby, authorized to execute the attached contract on the part of the City of Memphis. I hereby carefy that the foregoing is a true copy and said document was adopted, approved by the council of the city of Manaphic in regular appendic assistion on

Staff Report SUP 21-31 December 9, 2021 Page 25

## **LETTERS RECEIVED**

No letters received at the time of completion of this report.



November 4, 2021

Mr. Josh Whitehead Planning Director Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

**RE:** Commercial Surface Parking

Dear Mr. Whitehead:

On behalf of 2012-A Pedigo Trust, we are submitting the enclosed application to the Division of Planning and Development seeking a Land Use Control Board Special Use Permit for a portion of Winchester-Germantown SC-1 as recorded in Plat Book 72, Page 50. The property is 664 feet west of Riverdale Road and immediately west of Phase 8.

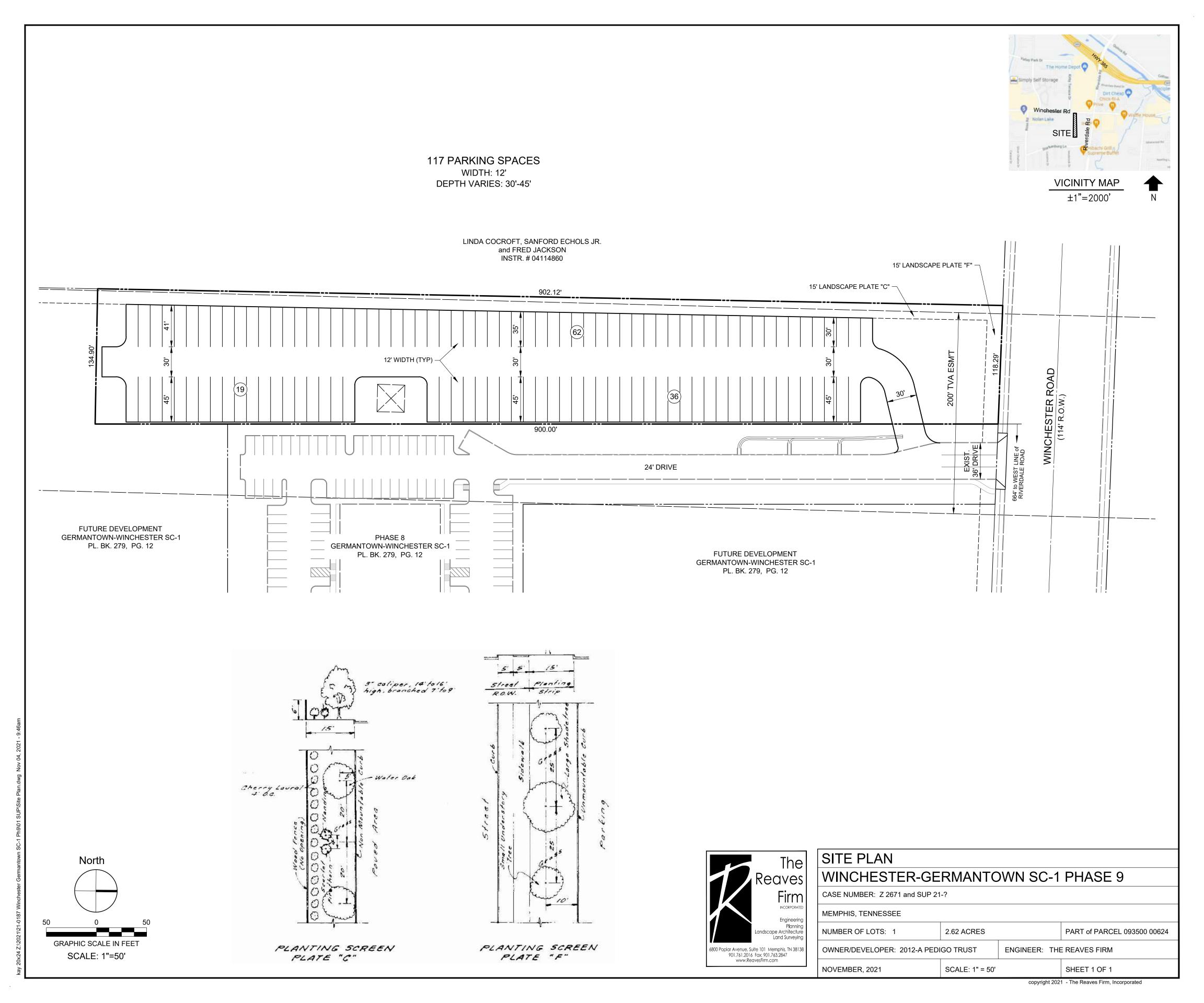
This special use permit request is that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having a building on it.

Professional consultants include Tim McCaskill, The Reaves Firm.

Your consideration of this application is greatly appreciated.

Sincerely,

Kay Maynard





#### MEMPHIS AND SHELBY COUNTY

#### **Record Summary for Special Use Permit**

#### **Record Detail Information**

Record Type: Special Use Permit Record Status: Assignment

Opened Date: October 29, 2021

Record Number: SUP 2021-031 Expiration Date:

Record Name: Commercial Surface Parking

Description of Work: CLONED FROM SUP 2021-030 DUE TO DOCUMENT UPLOADING ERRORS. On behalf of 2012-A Pedigo Trust, we are submitting the enclosed application to the Division of Planning and Development seeking a Land Use Control Board Special Use Permit for a portion of Winchester-Germantown SC-1 as recorded in Plat Book 72, Page 50. The property is 664 feet west of Riverdale Road and immediately west of Phase 8.

Outdoor storage of vehicles is allowed by right if it's an accessory use to an indoor multi-story mini-storage building. No such mini-storage exists, so we are filing this special use permit to request that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having a building on it.

Professional consultants include Tim McCaskill, The Reaves Firm.

Parent Record Number:

Address: 6941 WINCHESTER RD, MEMPHIS 38115

#### **Owner Information**

Primary Owner Name Owner Address Owner Phone

Yes 2012-A PEDIGO TRUST 1711 OLD FORT PKWY, MURFREESBORO,

TN 37129

2012-A PEDIGO TRUST 1711 OLD FORT PKWY, MURFREESBORO,

TN 37129

**Parcel Information** 

Parcel No:

093500 00624

Page 1 of 4 SUP 2021-031

Contact	Information
CUIILACI	IIIIOIIIIauoii

Name Organization Name Contact Type
Jerrold Pedigo Applicant

Suffix:

Address

Jerrold P	'edigo	201	12-A Pediç	go Trust		Propert of Reco	y Owner ord	(615) 896-3000
Tim McC	askill					Repres	entative	(901) 761-2016
Tim McC	askill					Archite Engine Survey	er/	(901) 761-2016
Fee Informa	ation							
Invoice # 1338628	Fee Item Special Use Permit Fee - 5 acres or less (Base Fee)	Quantity 1	Fees 500.00	Status INVOICED	Balance 500.00	<b>Date Assessed</b> 11/04/2021	Unit	Fee Code PLNGSPUSE 01
1338628	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	13.00	11/04/2021		PLNGSPUSE 10
		Tota	al Fee Invo	iced: \$513.0	0	Total Bala	ance: \$513.	00

Phone

(615) 896-6300

#### **Data Fields**

#### PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 10/13/2021

#### **GENERAL PROJECT INFORMATION**

Application Type New Special Use Permit

Page 2 of 4 SUP 2021-031

Previous Case Number 
Is this application in response to a citation from No Construction Code Enforcement or Zoning

If yes, please provide additional information -

#### **APPROVAL CRITERIA**

Letter?

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC Sub-Section 9.6.9A).

The surrounding property is either vacant or commercial. This project will not adversely effect the neighborhood.

UDC Sub-Section 9.6.9B Outdoor storage of vehicles is allowed by right if it's

an accessory use to an indoor multi-story mini-storage building. No such mini-storage exists, so we are filing this special use permit to request that commercial parking be allowed on this site. The lot is exceptionally narrow (118' by 900') and is under a TVA line which precludes it from ever having

a building on it.

UDC Sub-Section 9.6.9C The area has all the public facilities needed for this

use.

UDC Sub-Section 9.6.9D No known natural, scenic or historical features are

known to exist on this site.

UDC Sub-Section 9.6.9E

The project complies with UDC standards and will

be developed in accordance with

Winchester-Germantown SC-1 as recorded in Plat

Book 72, Page 50.

UDC Sub-Section 9.6.9F

The project compiles with building and zoning code

and will not cause violations.

**GIS INFORMATION** 

Central Business Improvement District No

Case Layer SUP 1984-233-CC, SUP 1984-233-CC

Class

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Page 3 of 4 SUP 2021-031

Zoning CMU-2

State Route -

Lot -

Subdivision WINCHESTER GERMANTOWN SC-1

Planned Development District -

Data Tables

#### **ADDRESS AND PARCEL LIST**

Property Address: 6941 WINCHESTER RD

Property Parcel Number: 093500 00625

#### **Comments**

Date Comment

11/04/2021 CLONED FROM SUP 2021-030 DUE TO DOCUMENT UPLOADING ERRORS

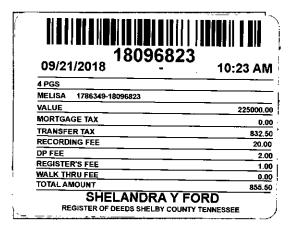
Page 4 of 4 SUP 2021-031



# Shelby County Tennessee Shelandra Y. Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



<sup>©</sup> WARRANTY DE	ED STATE OF T	F SHELBY
		ONSIDERATION OR VALUE, WHICHEVER IS
	GREATER, FOR TH	HIS TRANSFER IS \$225,000.00
		HAMISTED !
		Affiant 1972
		ID SWORN TO BEFORE ME, THIS THE
	DAY OF <u>Se</u>	70 Ten Say 2018
		L Stee
		Notary Public
	MY COMMISSION	EXPIRES:
		(AFFIX SEAL)
TH	IS INSTRUMENT WAS PREPARED	BY (\$1 4.9.9.9.10)
	Mid South Title Services, LLC	[5] 李多為 [6]
	Michael E. Hewgley, Attorney	
	1715 Aaron Brenner Drive, Suite 401	3\6~\/
	Memphis, Tennessee 38120	
***************************************		3/1/2
ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Jerrold D. Pedigo, Trustee of the	Jerrold D. Pedito, Trustee of th	ne 093-500-00588
2012-A Pedigo Trust u/a/d 12/20/2013	2012-A Pedigo Trust u/a/d 12/20/	2013
		2013
(NAME)	(NAME)	
1711 Old Fort Parkway, Ste A	Same	
(ADDRESS)	(ADDRESS)	
Murfreesborg, TN 37129		
(CITY) (STATE) (ZIP)	(CITY) (STATE)	(ZIP)

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE John Phillip Russell and Elizabeth R. Key, Co-Trustees of RUSSELL CHILDREN'S TRUST u/t/a dated June 12, 2012, HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO JERROLD D. PEDIGO, TRUSTEE OF THE 2012-A PEDIGO TRUST u/a/d 12/20/2013, HEREINAFTER CALLED THE GRANTEE, HIS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

See Exhibit "A" attached hereto and made a part hereof.

BEING part of the same property conveyed to John Phillip Russell and Elizabeth R. Key, Co-Trustees of Russell Children's Trust u/t/a/ dated June12, 12012 by Quit Claim Deed of record at Instrument Number 14058386 in the Shelby County Register's Office.

This conveyance is made subject to Subdivision Restrictions, Building Lines, and Easements, of record in Plat Book 61, Page 63 and Plat Book 72, Page 50 and Easements of record at Instrument Numbers AB 6853, PG 6128, S8 3412, V7 9475, V8 8010 and in Book 5852, Page 121 and Book 5317, Page 62 in said Register's Office, and except for 2019 Memphis City taxes and 2018 Shelby County taxes, not yet due and payable, which Grantees assumes and agree to pay.

unimproved This is improved	X	property, known as		0 Winche	ester Road, Memphi	is, TN 38141	
			(House Number)	(Street)	(P.O. Address)	(City or Town)	(Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my hand this \_\_\_\_\_\_\_day of September, 2018.

John Phillip Russell, C6-Trustee of

Russell Children's Trust u/t/a dated June 12, 2012

STATE OF TENNESSEE COUNTY OF SHELBY

On this \_\_\_\_\_\_day of September , 2018, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared, John Phillip Russell, Co-Trustee of Russell Children's Trust u/t/a dated June 12, 2012, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the within named bargainor, and that he executed the foregoing instrument for the purposes therein contained, by signing their names of his own free act and deed.

WITNESS my hand and Notary Seal at office the day and year above written.

Commission expires: 6-17-19

Notary Public

Witness my hand this \_\_\_\_\_\_ day of September, 2018.

Russell Children's Trust u/t/a June 12

STATE OF COLORADO COUNTY OF Eagle

On this 13<sup>Th</sup> day of September, 2018, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared, Elizabeth R. Key, Co-Trustee of Russell Children's Trust u/t/a dated June 12, 2012, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the within named bargainor, and that he executed the foregoing instrument for the purposes therein contained, by signing their names of his own free act and deed.

WITNESS my hand and Notary Seal at office the day and year above written.

Commission expires: 08/17/2019

Notary Public

MARTINA VEGA NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20064013257 MY COMMISSION EXPIRES 08-17-2019

Patria Vega

Return To:

ROCHELLE, MCCULLOCH & AULDS, PLLC 109 North Castle Heights Avenue Lebanon, TN 37087

MST# 2018040320 LM

Shelandra Y. Ford, Shelby County Register of Deeds: Instr. # 18096823

1 mm

#### **EXHIBIT "A"**

Land located in Shelby County, Tennessee, being described as follows:

Survey of a 13.19 acre parcel being part of the Winchester-Germantown SC-1 as recorded in Bk. 72, Pg. 50 in the Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the South line of Winchester Road (68' ROW) a distance of 292.88' west of the tangent intersection of the South line of Winchester and the West line of Riverdale Road, said point being the Northwest corner of Phase 3, Winchester-Germantown SC-1; thence S 00°30'58"E a distance of 704.08' to a point; thence S 07°17'48"W a distance of 104.83' to a point; thence S 88°28'51"W a distance of 17.81' to a point; thence S 07°20'47"W a distance of 375.01' to a point in the North line of Starkenburg Lane (68' ROW); thence westwardly along said North line the following four calls; along an arc to the left having a radius of 434.00', a delta of 25°36'32" a distance of 191.06' to a point; thence along an arc to the right having a radius of 400.00' a delta of 21°37'15" a distance of 150.94'; thence along an arc to the left having a radius of 200.00' a delta of 10°56'48" a distance of 38.21'; thence along an arc to the right having a radius of 200.00' a delta of 12°16'54" a distance of 42.87' to a point being the Southwest corner of Winchester-Germantown SC-1; thence N 00°59'48"W a distance of 1257.24' to a point in the South line of Winchester Road; thence S 88°45'58"E a distance of 485.57' to the point of beginning containing 13.19 acres more or less.

#### Lot # Owners Name

- 1 Shelby Residential And Vocational
- 2 Crouch Richaroad
- 3 Midway Exchange Borrower 12 LLC
- 4 DW Capital Management LLC
- 5 Reed Mike
- 6 Whitson Tony C
- 7 Seven Investments LLC Series V
- 8 Reed Michael
- 9 Hibbler Barbara J
- 10 Hourn Houn & Virak Hean
- 11 Little Daniel J & Cheri L Simmons
- 12 Ahamed Sheikh M
- 13 Global Dental Center LLC
- 14 Stofan Kimberly A
- 14 Williams Rebecca S
- Jones Christopher M
- 16 Guy Calvin
- 18 De Leon Alicia
- 19 Cooper-Bell Georgia And Cecylia B Taylor
- 20 Rs Rental 1 LLC
- 21 Young Brenda
- 22 Anderson Darryl K & Evorn J
- 23 Shelby County

2012-A Pedigo Trust	Ahamed Sheikh M	Allied Development Of Memphis LLC		
1711 Old Fort Parkway, Ste. A	4501 Sir Galahad Lane	P. O. Box 220439		
Murfreesboro, TN 37129-3833	Bartlett, TN 38135-6101	Great Neck, NY 11022-0439		
Anderson Darryl K & Evorn J	Anointed Temple Of Praise Outreach	Aspire Public Schools TN LLC		
6901 Starkenburg Lane	3939 Riveroadale Road	1001 22 <sup>nd</sup> Avenue, Ste. 100		
Memphis, TN 38115-5343	Memphis, TN 38115-5390	Oakland, CA 94606-5232		
Cocroft Linda J And Sanforoad Echols Jr.	Cooper-Bell Georgia And Cecylia B Taylor	Crouch Richaroad		
4605 N. 108th Street	6866 Starkenburg Lane	31939 Richgrove Court		
Milwaukee, Wi 53225	Memphis, TN 38115-5375	Westlake Village, CA 91361-4125		
De Leon Alicia	DW Capital Management LLC	Global Dental Center LLC		
6872 Starkenburg Lane	1284 Cerasus Drive	3725 Riverdale Road, Ste. 3		
Memphis, TN 38115-5375	Rockforoad, IL 61108-4471	Memphis, TN 38115-5332		
Guy Calvin	Hibbler Barbara J	Hourn Houn & Virak Hean		
6886 Starkenburg Lane	3622 Kirby Terrace Drive	3632 Kirby Terrace Drive		
Memphis, TN 38115-5375	Memphis, TN 38115	Memphis, TN 38115		
I2l LLC S (TR)	Jones Christopher M	Lee Wyong Ho		
6225 Quintaroad Street, Ste. 203	6892 Starkenburg Lane	3685 Riverdale Road		
Arlington, TN 38002-5416	Memphis, TN 38115-5375	Memphis, TN 38115-5322		
Little Daniel J & Cheri L Simmons	Midway Exchange Borrower 12 LLC	Mountain Top General Partnership		
9038 Athelson Place	3505 Koger Boulevard, Ste. 400	8027 Paperbark Lane		
Sacramento, CA 95829	Duluth, GA 30096-7672	Port Richey, FL 34668-7022		
Palay Family Revocable Trust	Pope Ralph W Jr.	Realty Income Corporation		
P. O. Box 6969	6920 Winchester Road	11995 El Camino Real		
Syracuse, NY 13217-6969	Memphis, TN 38115-4420	San Diego, CA 92130-2565		
Reed Michael	Reed Mike	RS Rental 1 LLC		
P. O. Box 751164	3603 Kirby Terrace Drive	1955 Val Vista Drive, Ste. 126		
Memphis, TN 38175-1164	Memphis, TN 38115-4419	Mesa, AZ 85204-4055		
Seven Investments LLC Series V	Shelby County	Shelby Residential And Vocational		
9160 Highway 64, Ste. 12	160 N. Main Street	3971 Knight Arnold Road		
Lakeland, TN 38002-8094	Memphis, TN 38103	Memphis, TN 38118		

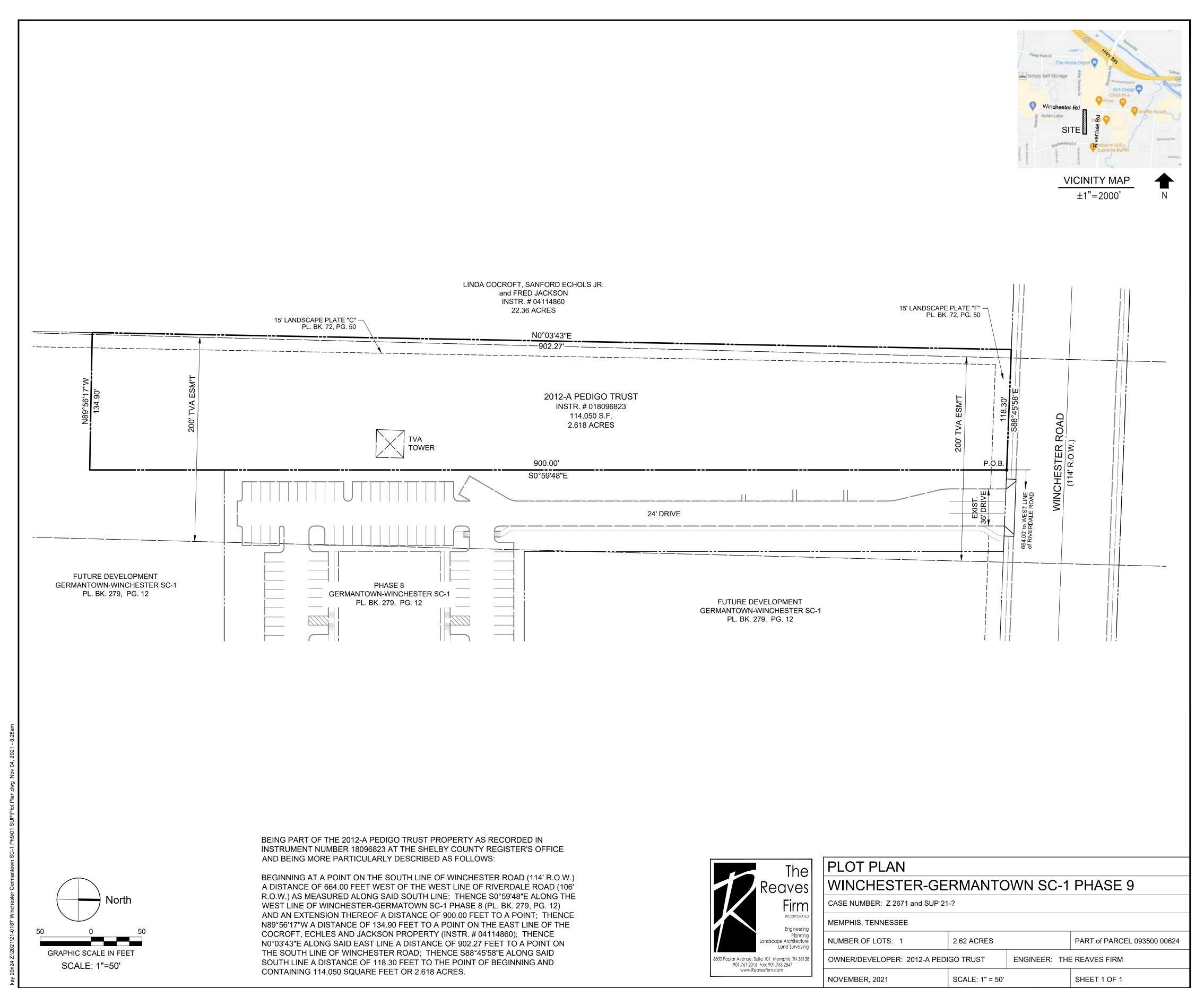
Stofan Kimberly A 6513 Mimus Lane Granite Bay, CA 95746-8142 Veterans Tactical Solutions LLC 6920 Winchester Road Memphis, TN 38115-4420 Whitson Tony C 3602 Kirby Terrace Drive Memphis, TN 38115

Williams Rebecca S 6902 Starkenburg Lane Memphis, TN 38115-5375 Young Brenda 6883 Starkenburg Lane Memphis, TN 38115-5313

The Reaves Firm 6800 Poplar Avenue, Suite 101 Memphis TN 38138 Councilman Carlisle Memphis City Council Super Dist 9-1 125 N. Main Ste 514 Memphis, TN 38103 Chairman Colvett, Jr. Memphis City Council Dist 2 125 N. Main Ste 514 Memphis, TN 38103

Councilman Canale Memphis City Council Super Dist 9-2 125 N. Main Ste 514 Memphis, TN 38103 Councilman Warren Memphis City Council Super Dist 9-3 125 N. Main Ste 514 Memphis, TN 38103

2012-A Pedigo Trust 1711 Old Fort Parkway, Ste. A Murfreesboro, TN 37129-3833



copyright 2021 - The Reaves Firm, Incorporated

City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

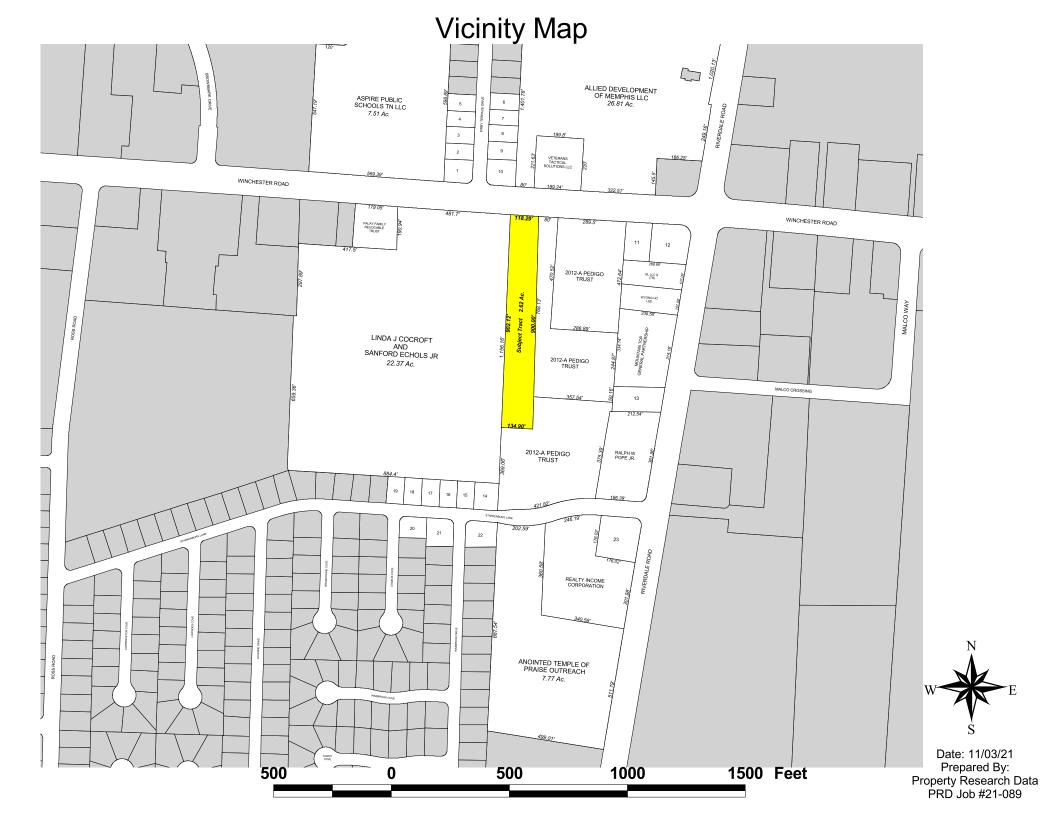
### **Property Owner's Affidavit**

In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

disclosure of all legal and equitable interest Development Code Section 12.3.1.	st in the property is required. Memp	nis and Shelby County Unified
1, Jewillen Redge, state that	I have read the definition of "Owne	" as outlined in the Memphis and Shelby
County Unified Development Code Section	n 12.3.1 and hereby state that (sele	ect applicable box):
I am the owner of record as shown of record as shown in the mortgage mortgagee or vendee in possession	records of the county Register of D	Assessor of Property; the mortgage holder eeds; purchaser under a land contract; a e in the premises
I have charge, care or control of the guardian or lessee (and have include	premises as trustee, agent, execut led documentation with this affidavit	or, administrator, assignee, receiver, )
of the property located at _unassigned	number at Winchester Rd.	and further
identified by Assessor's Parcel Number	093500 00624	,for which an
application is being made to the Division	of Planning and Development.	
Subscribed and swom to (or affirmed) be year of 20 21.  Shawma Shompson	STATE OF TENNESSEE NOTARY PUBLIC	of Movember in the
Signature of Notary Public	OF RUTHER My Co	mmission Expires





## Memphis City Council Summary Sheet

## P.D. 21-40 (Medicos General, PLLC)

A Resolution requesting a planned development to allow Office General (OG) District land uses, including medical offices within the Outline/Concept Plan, subject to the Outline Plan Conditions

- This item is a Resolution with an Outline/Concept Plan for a planned development to allow the above on real property located in Covington Pike Branch Planned Development (P.U.D. C-70) and in Residential Single Family (R-10) District zoning; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Medicos General, PLLC and Representative: The Bray Firm (David Bray); and
- The approval of the planned development will be reflected on the Memphis & Shelby County Zoning Atlas; and
- This resolution, if approved with Outline Plan Conditions, will supersede the existing zoning of the property; and
- The item may require future public improvement contracts.

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 9<sup>th</sup>, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following planned development application:

CASE NUMBER: P.D. 21-40

**LOCATION:** East side of Covington Pike; +/-628.31 feet north of Stage Road

**COUNCIL DISTRICTS:** District 1, Super District 9-Positions 1, 2 & 3

**OWNER/APPLICANT:** Medicos General, PLLC

**REPRESENTATIVE:** The Bray Firm (David Bray)

**EXISTING ZONING:** Covington Pike Branch (P.U.D. C-70) & Residential Single Family (R-10) District

**REQUEST:** Planned development to allow Office General (OG) District land uses, including

medical offices

AREA: 3.20 Acres

#### The following was present in support of the application:

David Bray, The Bray Firm, 2950 Stage Plaza-North, Bartlett, TN 38134

No one appeared or spoke in opposition of the application.

The Land Use Control Board reviewed the application and the staff report. A motion was made to approve on the consent agenda as recommended by staff with conditions.

The motion passed by unanimous vote of 8 to 0.

Respectfully,

**Brian S. Bacchus**Principal Planner

Principal Planner

Land Use and Development Services
Division of Planning and Development

cc: Committee Members

File

## P.D. 21-40 Los Medicos Planned Development Outline Plan Conditions

#### I. Uses Permitted:

- A. Area 'A': Any use permitted by right in the Office General (OG) District.
- B. Area 'B': A single family home to include a forty (40) foot wide landscape buffer along the rear property line.
- C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Development Standards: The Development Standards of the Office General (OG) District shall apply for Area 'A' and Residential Single Family (R-10) District standards for Area 'B', except as illustrated on the Concept Plan.
- III. Access, Circulation, Roads and Pedestrian ways:
  - A. A maximum of two (2) curb cuts will be allowed for the entire plan of development.
  - B. The City Engineer shall approve the design, number and location of curb cuts.
  - C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
  - E. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
  - F. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### IV. Landscaping and Screening:

- A. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall illustrate the vision triangle and sight distances.
- B. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during any new construction.
- C. A forty (40) foot wide landscape buffer to include evergreen trees and shrubs shall be installed along the east line of Area 'A' for the north lot and along the west line of Area 'B' for the single-family home, subject to review and approval by staff.

- D. An adequate landscape screen shall be installed to include evergreen trees and a sight-proof fence six (6) feet in height along the east line of Area 'A' for the south lot.
- V. Signs: Any new signs for the office plan shall be installed with landscaping at the base pf the sign in conformance with regulations established for Office General (OG) District of Sub-Section 4.9.7C of the UDC.

#### VI. Grading and Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- B. If necessary, drainage plans shall be submitted to the City Engineer for review and approval.
- C. If necessary, an overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
- D. If necessary, drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any Final Plan shall include the following:
  - A. The Outline Plan Conditions;
  - B. A standard subdivision contract as defined by the Unified Development Code for any required public improvements; and
  - C. The exact location and dimensions, including height of utility, drainage and sewer easements, private drives, required parking areas, landscaping and screening areas; and
  - D. The location and ownership, whether public or private of any easement(s).
  - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and
  - F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including landscape buffers, private roads, drainage and sewer.

- G. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
- H. The following note shall be placed on the Outline/Final Plan:

NOTE: The recording of this Outline/Final plan shall supersede the Covington Pike Branch (P.U.D. C-70) final plan of development as recorded in Plat Book 126-Page 64 in the Office of the Shelby County Register.

P.D.21-40
Los Medicos Planned Development



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

December 13th, 2021

Mr. David Bray, P.E. C/o Medicos General, PLLC 2950 Stage Plaza-North Bartlett, TN 38134

Sent via electronic mail to: <a href="mailto:dgbray@comcast.net">dgbray@comcast.net</a>

RE: OPD FILE #: P.D. 21-40

L.U.C.B. RECOMMENDATION: Approval with Conditions

Dear David,

The Memphis and Shelby County Land Use Control Board on *Thursday, December 9<sup>th</sup>, 2021,* recommended 'approval' of your planned development application to allow 'Office General (OG) District land uses, including medical offices' located at the 'east side of Covington Pike; +/- 628.31 feet north of Stage Road', subject to the attached conditions.

The Memphis City Council will review the planned development application in Planning and Zoning Committee meeting prior to voting in public session. The applicant or the applicant's representative(s) shall attend all meetings and public sessions. At least two (2) weeks after receiving this letter, please contact the City Council Records office to determine when the application will be scheduled for committee and in public session. The Council Records office phone number is (901) 636-6792.

If for some reason you choose not to go forward with this application, a letter should be mailed to the Office of Planning and Development at the address provided above. If you have questions or concerns regarding this matter or of any necessary submittals, please call me at (901) 636-7120 or you may contact me via email at <a href="mailto:brian.bacchus@memphistn.gov">brian.bacchus@memphistn.gov</a>.

Sincerely,

**Brian S. Bacchus**, Principal Josh Whitehead, Secretary, LUCB

Division of Planning and Development

CC: Medicos General, PLLC File: P.D. 21-40

## Los Medicos Planned Development Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': Any use permitted by right in the Office General (OG) District.
  - B. Area 'B': A single family home to include a forty (40) foot wide landscape buffer along the rear property line.
  - C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Development Standards: The Development Standards of the Office General (OG) District shall apply for Area 'A' and Residential Single Family (R-10) District standards for Area 'B', except as illustrated on the Concept Plan.
- III. Access, Circulation, Roads and Pedestrian ways:
  - A maximum of two (2) curb cuts will be allowed for the entire plan of development.
  - B. The City Engineer shall approve the design, number and location of curb cuts.
  - C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
  - E. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
  - F. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- IV. Landscaping and Screening:
  - A. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall illustrate the vision triangle and sight distances.
  - B. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during any new construction.
  - C. A forty (40) foot wide landscape buffer to include evergreen trees and shrubs shall be installed along the east line of Area 'A' for the north lot and along the west line of Area 'B' for the single-family home, subject to review and approval by staff.

- D. An adequate landscape screen shall be installed to include evergreen trees and a sight-proof fence six (6) feet in height along the east line of Area 'A' for the south lot.
- V. Signs: Any new signs for the office plan shall be installed with landscaping at the base pf the sign in conformance with regulations established for Office General (OG) District of Sub-Section 4.9.7C of the UDC.

#### VI. Grading and Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- B. If necessary, drainage plans shall be submitted to the City Engineer for review and approval.
- C. If necessary, an overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
- D. If necessary, drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any Final Plan shall include the following:
  - A. The Outline Plan Conditions;
  - B. A standard subdivision contract as defined by the Unified Development Code for any required public improvements; and
  - C. The exact location and dimensions, including height of utility, drainage and sewer easements, private drives, required parking areas, landscaping and screening areas; and
  - D. The location and ownership, whether public or private of any easement(s).
  - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and
  - F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including landscape buffers, private roads, drainage and sewer.

- G. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
- H. The following note shall be placed on the Outline/Final Plan:

**NOTE:** The recording of this Outline/Final plan shall supersede the Covington Pike Branch (P.U.D. C-70) final plan of development as recorded in Plat Book 126-Page 64 in the Office of the Shelby County Register.

P.D.21-40 Los Medicos Planned Development

# dpd STAFF REPORT

**AGENDA ITEM: 8** 

CASE NUMBER: P.D. 21-40 L.U.C.B. MEETING: December 9<sup>th</sup>, 2021

**DEVELOPMENT NAME:** LOS MEDICOS PLANNED DEVELOPMENT

**LOCATION:** East side of Covington Pike; +/-628.31 feet north of Stage Road

**COUNCIL DISTRICT(S):** District 1 and Super District 9-Positions 1, 2, & 3

OWNERS/APPLICANTS: Medicos General, PLLC

**REPRESENTATIVE(S):** The Bray Firm (David Bray)

**REQUEST:** Planned Development to allow Office General (OG) District land uses, including

medical offices within the Outline Plan

AREA: 3.20 Acres

**EXISTING LAND USE & ZONING:** One (1) story bank with teller lanes in Covington Pike Branch Planned Development

(P.U.D. C-70), medical offices in OG and single-family home in R-10 District.

#### **CONCLUSIONS:**

- 1. The subject property consists of three (3) legal lots of record containing 3.20 acres located on the east side of Covington Pike and the western terminus of Wood Thrush Cove in 'Buckingham Gardens' neighborhood in the Raleigh community of the City of Memphis.
- 2. The applicant is proposing an office plan of development for three (3) buildings on three (3) separate lots to be consolidated into a single-phase planned development of existing buildings in two (2) separate zoning district. The bank and medical office buildings will remain as well as the single-family home.
- 3. The Covington Pike Branch final plan for the bank building was recorded with a non-disturbance natural landscape buffer zone along the east property line, but cleared and graded to allow for additional parking and display area for a motor vehicle sales facility.
- 4. The applicant has submitted a planned development application for staff review and the proposal as submitted is consistent with the Memphis 3.0 Plan. However, the applicant should consider installing an adequate landscape buffer adjacent to single-family homes along the east property line as required by the zoning code.

#### **CONSISTENCY WITH MEMPHIS 3.0**

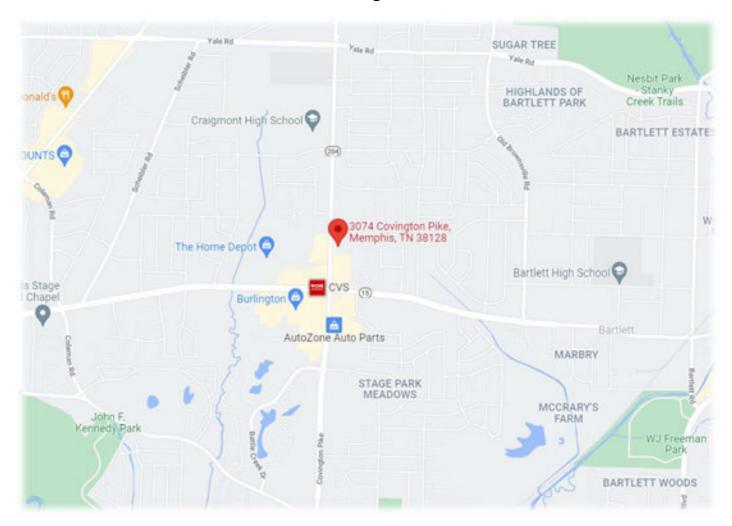
Based on existing adjacent land use and zoning, the proposal is <u>CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

#### **DIVISION OF PLANNING & DEVELOPMENT RECOMMENDATION:**

**Approval with Conditions** 

Staff Planner: Brian Bacchus Email: <u>brian.bacchus@memphistn.gov</u>

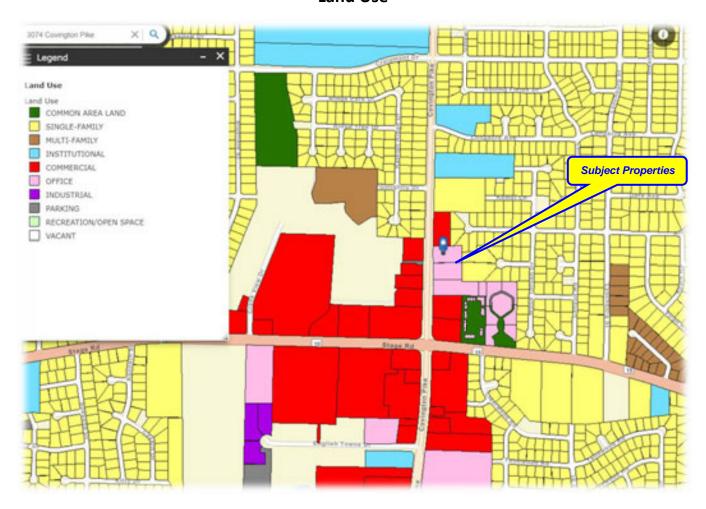
### **Planning Area**



## Zoning



#### **Land Use**



North: Single family homes in 'Richmond Square' subdivision in Single Family

Residential (R-10) and credit union, banking and savings in MATCU

Covington P.D. 00-372.

East: Large restaurant and small restaurants, drive-thru in Stage West Mall

Commercial Mixed Use (CMU-2) shopping center plan.

**South:** Medical office in Memphis Trust Plaza P.U.D. O-71.

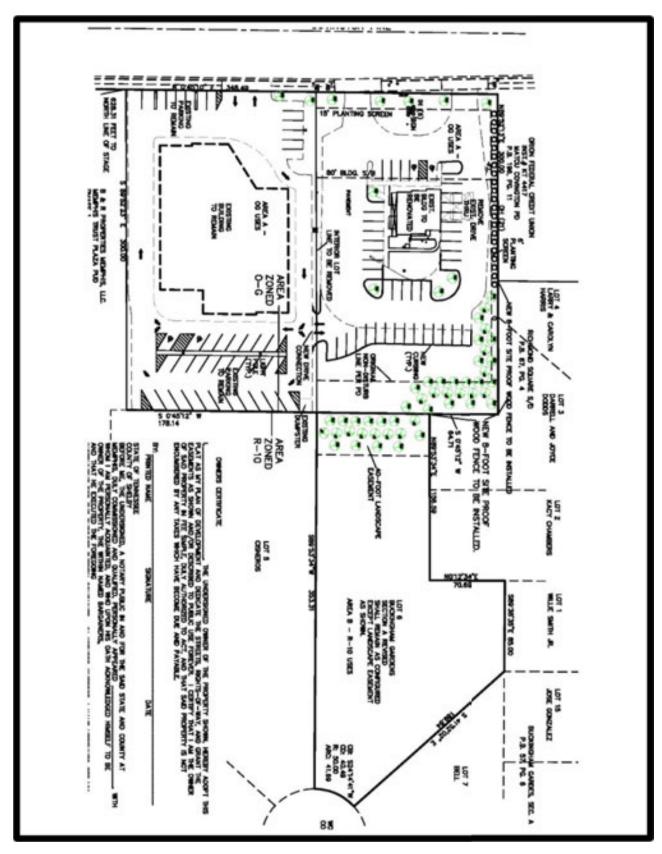
West: Single family homes in 'Buckingham Gardens' subdivision in Residential

Single Family (R-10) District.

### 3068 & 3074 Covington Pike 5126 Wood Thrush Cove (Aerial View)



## **Concept Plan**



**Neighborhood Meeting:** Neighborhood Zoom Meeting was held Tuesday, November 30<sup>th</sup>, 2021.

**Sign Posting & Public Notice:** Sign Posted on the property Friday, November 26<sup>th</sup>, 2021.

Public Hearing Notices mailed Wednesday, November 24th, 2021.

**NOTE:** The public notices were mailed to adjacent property owners within a radius of five

(500) hundred feet of the property and any return notices to OPD are subject to Paragraph 9.3.4F (2) of the UDC regarding undelivered and returned mailed notices

that exceed 25% of the total required notices of 93 notices.

#### **STAFF ANALYSIS:**

#### **Site Description**

The subject property consists of three (3) legal lots of record containing 3.20 acres located on the east side of Covington Pike and the western terminus of Wood Thrush Cove in 'Buckingham Gardens' neighborhood in the Raleigh community of the City of Memphis. The current zoning of the lots is Residential Single Family (R-10) District, Office General and Covington Pike Branch P.U.D. C-70 approved in 1979 by the Memphis City Council for a bank building with drive-thru teller lanes. The properties have curb, gutter and or sidewalks along the public roads with minimal internal and external landscaping. The lots are directly adjacent to single family homes to the east in an established subdivision developed in early 1970's. A single-family home to the east in R-10 District zoning is also a party to the application which the lot far exceeds the district standards.

#### **Request & Project Review**

The applicant is proposing an office plan of development for three (3) buildings on three (3) separate lots to be consolidated into a single-phase plan development of existing buildings in two (2) separate zoning district. The bank and medical office buildings will remain, designated Area 'A' with primary street access, except the bank drive-thru teller lanes with new internal access and circulation between the two (2) office buildings. The single family residential lot will remain, designated Area 'B' to allow for a forty (40) foot landscape easement. The Covington Pike Branch final plan for the bank building was recorded with a non-disturbance natural landscape buffer zone along the east property line, but cleared and graded to allow for additional parking and display area for a motor vehicle sales facility. The motor vehicle sales facility was not a permitted land use and vacated the property leaving the single-family home's rear yard exposed to the bank building. The new owner seeks to consolidate the lots fronting Covington Pike to allow for a medical office campus plan of development with new parking design, internal landscaping and a new internal circulation and designated drive aisles.

The applicant has submitted a planned development application for staff review and the proposal as submitted is consistent with the Memphis 3.0 Plan. However, the applicant should consider installing an adequate landscape buffer adjacent to single-family homes along the east property line as required by the zoning code. The development plan meets the standards and criteria for planned residential developments in Sections 4.10.3 & 4. Although certain standards and criteria have been met, the planned office development will be subject to final plan review and approval by staff, subject to use standards in the zoning code for any proposed land use permitted in Office General (OG) District zoning prior to recording of the consolidated final plan.

RECOMMENDATION: Approval with Conditions

P.D. 21-40
Los Medicos Planned Development
Outline Plan Conditions

#### I. Uses Permitted:

- A. Area 'A': Any use permitted by right in the Office General (OG) District.
- B. Area 'B': A single family home to include a forty (40) foot wide landscape buffer along the rear property line.
- C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Development Standards: The Development Standards of the Office General (OG) District shall apply for Area 'A' and Residential Single Family (R-10) District standards for Area 'B', except as illustrated on the Concept Plan.
- III. Access, Circulation, Roads and Pedestrian ways:
  - A. A maximum of two (2) curb cuts will be allowed for the entire plan of development.
  - B. The City Engineer shall approve the design, number and location of curb cuts.
  - C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
  - E. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
  - F. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- IV. Landscaping and Screening:
  - A. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall illustrate the vision triangle and sight distances.
  - B. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during any new construction.
  - C. A forty (40) foot wide landscape buffer to include evergreen trees and shrubs shall be installed along the east line of Area 'A' for the north lot and along the west line of Area 'B' for the single-family home, subject to review and approval by staff.

- D. An adequate landscape screen shall be installed to include evergreen trees and a sight-proof fence six (6) feet in height along the east line of Area 'A' for the south lot.
- V. Signs: Any new signs for the office plan shall be installed with landscaping at the base pf the sign in conformance with regulations established for Office General (OG) District of Sub-Section 4.9.7C of the UDC.

#### VI. Grading and Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- B. If necessary, drainage plans shall be submitted to the City Engineer for review and approval.
- C. If necessary, an overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
- D. If necessary, drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any Final Plan shall include the following:
  - A. The Outline Plan Conditions;
  - B. A standard subdivision contract as defined by the Unified Development Code for any required public improvements; and
  - C. The exact location and dimensions, including height of utility, drainage and sewer easements, private drives, required parking areas, landscaping and screening areas; and
  - D. The location and ownership, whether public or private of any easement(s).
  - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and
  - F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including landscape buffers, private roads, drainage and sewer.

- G. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
- H. The following note shall be placed on the Outline/Final Plan:

**NOTE:** The recording of this Outline/Final plan shall supersede the Covington Pike Branch (P.U.D. C-70) final plan of development as recorded in Plat Book 126-Page 64 in the Office of the Shelby County Register.

P.D.21-40 Los Medicos Planned Development

#### Office of Comprehensive Planning(OCP) Review:

This summary is being produced in response to the following Planned Development Application to support the recommendation of the Office of Planning & Development: **PD 21-40 (Los Medicos Planned Development)** 

Site Location: 3068 & 3074 Covington Pike

Land Use Designation: Primarily Single-Unit Neighborhood (NS) (See Memphis 3.0, Page 86 for details)

Based on existing adjacent land use and zoning, the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

#### The following information about the Land Use Designation can be found on Pages 76-122:

#### 1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

#### 2. Land use description & applicability:

Primarily Single-Unit Neighborhoods are located greater than a half mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.

#### "NS" Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.



#### "NS" Form & Location Characteristics:

Primarily detached. House-scale buildings. Primarily residential. 1-3 stories. Beyond 1/2 mile from a Community Anchor.

The applicant is seeking approval for a planned development amendment with the intention of expanding a medical practice. The request does not meet the criteria of NS, as the proposed use would be a medical office building, which is not included under residential typology. However, the parcel is surrounded by office, commercial uses, and primarily single unit neighborhood. The expansion of a medical office building would serve as an amenity for the surrounding community.

#### 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Office, Common Area Land, Single-Family, and Commercial. The subject site is surrounded by the following zoning district: OG, CMU-2, and R-10. This requested land use is compatible with the adjacent land uses because existing land uses surrounding the parcels is similar in nature to the requested use.





Red polygon denotes the proposed site in Degree of Change area. There is no degree of change.

#### 5. Degree of Change Descriptions: N/A

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke, Municipal Planner

Memphis 3.0, OCP

P.D. 21-40 STAFF REPORT

Page 13 December 9<sup>th</sup>, 2021

#### **GENERAL INFORMATION:**

**Primary Street Frontage:** Covington Pike-----+/-439.60 linear feet.

**Neighborhood(s):** Buckingham Gardens & Richmond Square

Atlas Page: 1745

**Zoning History:** In September 1979, the Memphis City Council approved Covington Pike Branch

Planned Development (P.U. D. C-70) for a bank building (5,000 sq. ft. max) with drivethru teller lanes. The medical office building in Office General (OG) District and the single-family home in Residential Single Family (R-10) District zoning date to the

adoption of the 1980 zoning map amendments.

#### **DEPARTMENTAL COMMENTS:**

The following comments were provided by Inter-Governmental Agencies/Organizations to which this application was referred:

#### **City Engineer:**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Sewers:**

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### **Traffic Control Provisions:**

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

8. The developer's engineer shall submit a <a href="Trip Generation Report">Trip Generation Report</a> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

#### **Curb Cuts/Access:**

- 9. The City Engineer shall approve the design, number and location of curb cuts.
- 10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- 11. A maximum of two (2) curb cuts will be allowed for the entire PD.

#### **Drainage:**

- 12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 15. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 16. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

#### **Site Plan Notes:**

17. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

#### **Cite Fire Services:**

- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
  protection shall be installed and made serviceable prior to and during the time of construction, except when
  approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

#### **Memphis & Shelby County Health Department:**

Water Quality Branch: No comment. Septic Tank Program: No comment.

#### Memphis Light, Gas and Water:

#### MLGW has reviewed the referenced application, and has <u>no objection</u>, <u>subject to the following conditions:</u>

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- · Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
- All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
- It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Construction Code Enforcement:** No comments received.

Office of Resiliency & Sustainability: No comment.

AT&T-TN: No comment.

**Letters of Opposition or Support:** None as of 12/01/21.

Neighborhood Associations/Organizations: None registered.

Staff: bb

#### Bacchus, Brian

From: dgbray@comcast.net

Sent: Wednesday, December 01, 2021 1:21 PM

To: Bacchus, Brian

Subject: RE: PD 21-40 (Sign Posting)

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

By the way. We had the neighborhood meeting last night. Mr. Dodds (the neighbor to the NE of the site) was on the meeting from his hospital bed. Councilwoman Rhonda Logan was also on the meeting along with 3 other people. Everyone seemed fine with what was proposed. Mr. Dodds and Councilwoman Logan were particularly happy to find out the landscaping still had the same number of trees as the plan presented to environmental court. No one voiced any objections to the project.

#### David Gean Bray, P.E.

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134
901.383.8668 (v)
901.487.2425 (c)
dgbray@comcast.net

From: Bacchus, Brian <Brian.Bacchus@memphistn.gov>

Sent: Wednesday, December 1, 2021 10:52 AM

To: dgbray@comcast.net

Subject: PD 21-40 (Sign Posting)

#### Hello David,

Pls send sign posting affidavit and photo for above...thanks!



#### Brian S. Bacchus

Principal Planner, BOA, LUCB & MLC Land Use & Development Services Division of Planning and Development 125 N. Main St.-Suite 468 Memphis, TN 38103

Phone: 901-636-7120

Email: brian.bacchus@memphistn.gov



Visit our website



Telephone 901-383-8668 Fax 901-383-8720

2950 Stage Plaza North Bartlett, Tennessee 38134

RE: Case Number PD 21-40
Planned Development Application
Los Medicos Planned Development
Memphis, Tennessee

Dear Sir or Madam:

An Application for a Planned Development has been filed to allow medical office uses at the currently vacant building @ 3074 Covington Pike in the O-G Zoning District. In a few weeks you will receive notice regarding a public hearing before the Land Use Control Board at 9:00 a.m. on December 9, 2021.

This notice is to invite you to attend a ZOOM meeting to discuss this application prior to that public hearing. Your attendance is not required but if you have questions, comments, or concerns you are welcome to attend. This meeting is intended to provide answers to any question you or your neighbors may have regarding this project.

Time: 6:00 p.m. to 7:00 p.m.

Date: Tuesday, November 30, 2021

https://us02web.zoom.us/j/82867513169

Meeting ID: 828 6751 3169

Meeting can be accessed via the link above or by www.zoom.com and entering the meeting ID.

If internet access is not available or you prefer to participate by phone, please call me at the number below for instructions.

If you have any questions about the application or the meeting, please feel free to call me at 901.383.8668.

Thanks,

David Gean Bray



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

14.02.2024		Case #: P.D. 21-40 (P.U.D. E-70)
Date: 11.03.2021	4.5	Case #: 1.0. 21-40 [ P.D. 1. C-10)

	PLEASE TYPE O	R PRINT		
Name of Development: Los Medica	os Planned Development			
Property Owner of Record: Medica	os General PLLC	P	hone #:	
Mailing Address: 3040 Covington		City/State: Memphis, TN		Zip 38128
Property Owner E-Mail Address:				
Applicant: same		1	Phone #	
Mailing Address:				
Applicant E- Mail Address:				-
Representative:			hone #:	
Mailing Address:				
Representative E-Mail Address:				
Engineer/Surveyor: The Bray Firm			hone #901	.383.8668
Mailing Address: 2950 Stage Plaza	5/4/50-07			
Engineer/Surveyor E-Mail Addres				
Street Address Location: 3074 Cov				
Distance to nearest intersecting str		line of Stage Road		
Area in Acres:	Parcel 1 1.173	Parcel 2 1.223	Parcel 3 0.8	
Existing Zoning:	OG (within PD)	OG	R-10	
Existing Use of Property	formerly bank services	medical office	SFR	nd landscape
Medical Overlay District: Per S	OG - medical	medical office		
Overlay District.				
Unincorporated Areas: For resi following information:	dential projects in unincor	porated Shelby Co	unty, plea	se provide the
Number of Residential Un	nits:	Bedrooms: _		
Expected Appraised Value per Unit:		or Total Proje	ect:	

Amendment(s): Is the applicant	applying for an amendment to	an existing	Planned	Development?
, , , , ,	Yes	No X		

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
   This plan seeks to combine two existing lots within the O-G district. The northern lot is restricted in use to financial services only. The proposed development would allow it's use as medical office and create better traffic flow through the site.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
   All buildings and services are existing.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
   This plan modifies the parking on one lot and combines the circulation internally within the two lots being combined.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The underlying zoning is OG but the northern lot is restricted to financial services only. This PD would allow the use as a medical office consistent with the other properties currently utilized by Medicos General PLLC.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
   Yes
- Lots of records are created with the recording of a planned development final plan.
   Yes

#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: September 2021 with Chip Saliba

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant Date

# GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A <u>THE APPLICATION</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. LETTER OF INTENT The letter shall include the following:
  - A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed



Telephone 901-383-8668 Fax 901-383-8720

2950 Stage Plaza North Bartlett, Tennessee 38134

November 3, 2021

Josh Whitehead, Director Memphis and Shelby County Office of Planning and Development 125 North Main Street Memphis, Tennessee 38103

RE: Los Medicos Planned Development 3074 Covington Pike Memphis, Tennessee

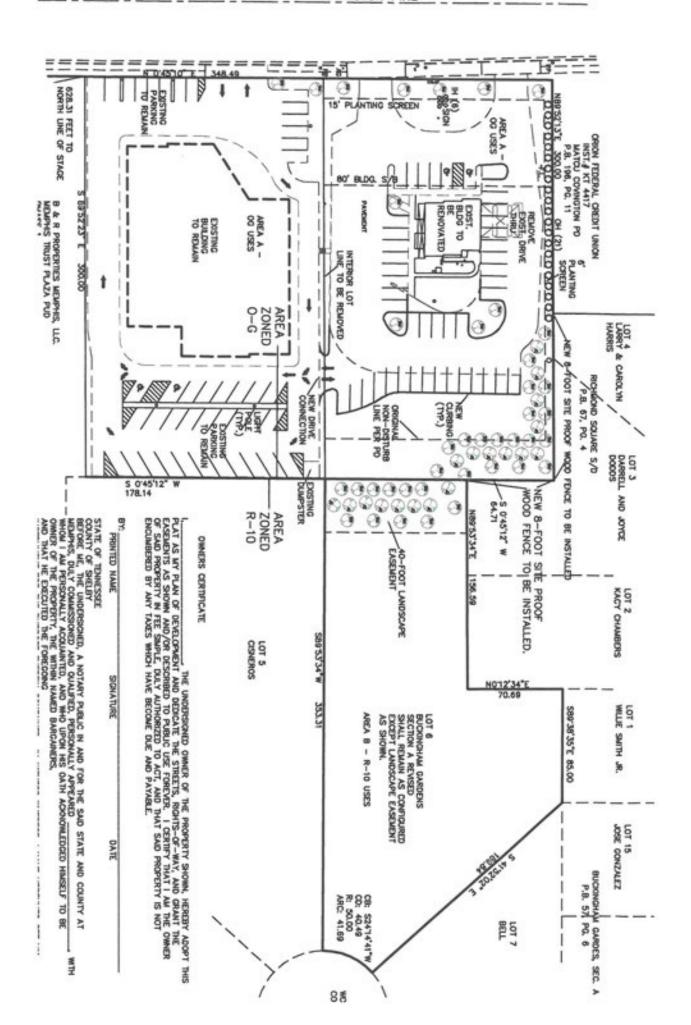
Mr. Whitehead:

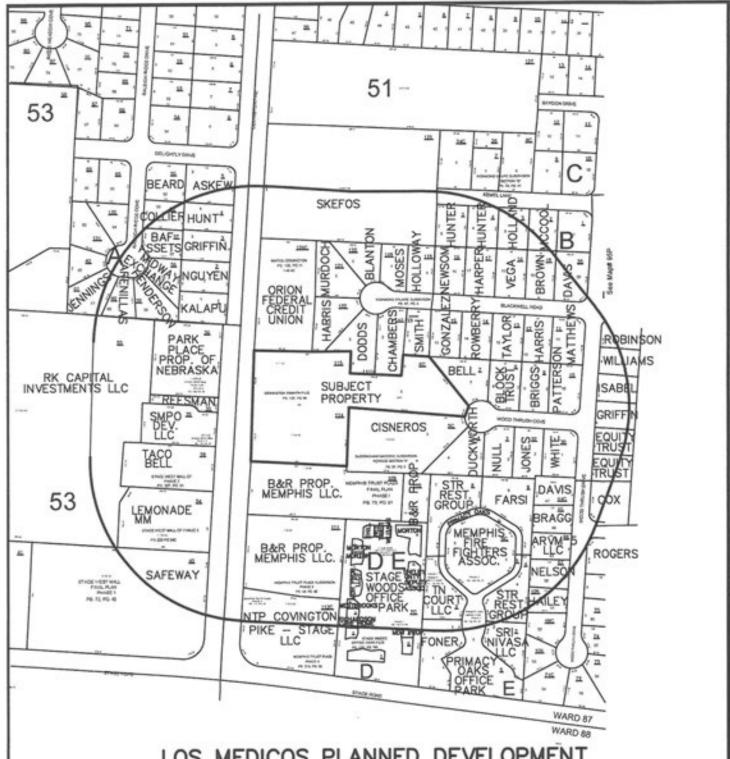
Please find attached an application for a planned development for the properties at 3074 Covington Pike and 3068 Covington Pike. Additionally the single family residential parcel at 5126 Wood Thrush Cove is included within the application. The residential property is included only to locate a part of the landscaping screen within its boundary. All three lots are under the same ownership. The catalyst for this application begins under a previous owner of the 3074 that cleared the eastern portion of the lot violating the landscape screen that was established along the east property line of the property. The applicants who operate the Medicos General PLLC array of physician services at 3068 and some of the other buildings in the general vicinity purchased the property to prevent an application for a used car dealership on the lot. The primary objective of this application is to amend the uses in the existing Covington Branch PD (3074 Covington Pike) to allow more uses than simply a financial services building and convert the building for use by their expanding medical practice. Additionally by combing the two lots along Covington Pike they would like to connect the internal parking lots to improve site circulation and parking concerns. The neighborhood meeting has not been scheduled yet for this site.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.





LOS MEDICOS PLANNED DEVELOPMENT DEVELOPER- MEDICOS GENERAL PLLC 3074 COVINGTON PIKE MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

ENGINEERING 2950 STAGE PLAZA NORTH BARTLETT, TENNESSEE NOVEMBER 2, 2021 SURVEYING
TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=300'



# Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21128630 10/12/2021 - 03:30:26 PM

3 PGS	
CHRISTINAM 2318791 - 21128630	
VALUE	180000.00
MORTGAGE TAX	0.00
TRANSFER TAX	666.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	684.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

# CLOSETRAK

#### WARRANTY DEED

THIS INDENTURE, made and entered into this 24th day of February, 2021 by and between

Danial W. Mosher, a married man, hereinafter called Grantor, and

Rocco
John E: Rodney and Diana A. Acosta, husband & wife, hereinafter called Grantee.

WITNESSETH: That for and in consideration of ten dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee, to wit:

#### See attached Exhibit "A" for legal description

This conveyance is made subject to all subdivision restrictions, building lines, easements, zoning and planning ordinances, and other municipal regulations including those of record in Plat Book 52, Page 26; Plat Book 57, Page 6; all in said Register's Office.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, Grantee's heirs, and assigns, in fee simple forever.

The Grantor does hereby covenant with the Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except any taxes not yet due but constituting a lien which are assumed by Grantee, and

And that the title and quiet possession Grantor warrants and will forever defend against the lawful claims of all persons.

The words "Grantor" and "Grantee" shall include the plural where appropriate and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the Grantor the day and year first above written.

Danial W. Mosher

Nyletta A. Mosher

#### STATE OF TENNESSEE COUNTY OF SHELBY

On this 24th day of February, 2021, before me personally appeared Danial W. Mosher and Nyletta A. Mosher, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such persons' free act and deed.

Witness my hand, at office, this 24th day of February, 2021.

Notary Signature My commission expires:

My Comm. Expires July 31, 2022

STATE

TENNESSEE NOTARY PUBLIC

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater, is \$180,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

I sday of

Subscribed and sworn to before me this the

My Commission Expires: 2/13/2024

Notary Public

STATE OF TENNESSEE NOTARY PUBLIC

Commission Expires 2.55

Owner's Mailing Address:

John Rocco Rodney and Diana A. Acosta 5126 Wood Thrush Cove, Memphis, TN 38134

Property Address: 5126 Wood Thrush Cove Memphis, TN 38134

Person responsible for the payment of taxes:

John R. Rodney and Diana A. Acosta
5126 Wood Thrush Cove
Memphis, TN 38134

File Number: LM-21-21005

Prepared By: CloseTrak, LLC 8046 North Brother Boulevard Bartlett, TN 38133

Return To: Executive Title & Closing, Inc. 700 Colonial Rd., Suite 230 Memphis, TN 38117

#### EXHIBIT "A" Property Description

Lot 6, Section "A" Buckingham Gardens Subdivision, as shown on plat of record in Plat Book 57, Page 6, in the Register's Office of Shelby County, Tennessee, and a parcel of land west of and adjacent to said Lot 6, in Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the northwest line of Wood Thrush Cove said point being a common corner of Lots 5 and 6 of Buckingham Gardens Subdivision; thence northeastwardly along said northwest line a distance of 40.22 feet to a corner of Lot 7; thence northwestwardly along the line dividing Lots 7 and 6 a distance of 195.73 feet to a point; thence southwardly a distance of 70.0 feet to a point; thence westwardly a distance of 148.02 feet to a point; thence southwardly 100.36 feet to a point; thence eastwardly a distance of 233.31 feet to a corner of Lot 5 of said subdivision; thence eastwardly along the line dividing Lots 5 and 6 a distance of 120.0 feet to the point of beginning.

Being the same property conveyed by Warranty Deed of record at Instrument No. JC 1935 and by Quit Claim Deed of record at Instrument No. 01014354, in said Register's Office.

Tax Parcel #087-051B-00006C



# Shelby County Tennessee

## Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

#### 20115583 10/21/2020 - 10:04:30 AM

10/21/2020 - 10.04.	30 204
4 PGS	
TAMMY 2108817-20115583	
VALUE	252500.00
MORTGAGE TAX	0.00
TRANSFER TAX	934.25
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	959.25

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

#### WARRANTY DEED

THIS INSTRUMENT WAS PREPARED BY The Waddell Law Firm 9056 Stone Walk Place Germantown, TN 38138

THIS INDENTURE, made and entered into as of the 16th day of October, 2020 by and between

Fahad Sayani, hereinafter referred to as Grantor.

and

MEDICOS GENERAL PLLC, a Tennessee Limited Liability Company, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Being Re-Revised Final Plan of Covington Pike Branch P.U.D, as shown on plat of record in Plat Book 126, Page 64, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING AT AN OLD IRON PIN IN THE EAST LINE OF COVINGTON PIKE, 57 FEET EAST OF THE CENTERLINE, SAID PIN BEING THE NORTHWEST CORNER OF THE FIRST TENNESSEE BANK PROPERTY IN THE SOUTH LINE OF THE EARL BEASLEY ET AL TRACT; THENCE EASTWARDLY ALONG THE BEASLEY SOUTH LINE AND THE SOUTH LINE OF RICHMOND SQUARE SUBDIVISION, SEC. "A", RECORDED IN PLAT BOOK 67, PAGE 4, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, A DISTANCE OF 300.00 FEET TO AN IRON PIN; THENCE SOUTHWARDLY MAKING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 01 SECONDS A DISTANCE OF 170.36 FEET TO AN OLD IRON PIN, THE NORTHEAST CORNER OF THE STERN, DUBERSTIEN AND WILSON LOT; THENCE WESTWARDLY MAKING AN INTERIOR ANGLE OF 90 DEGREES 54 MINUTES 25 SECONDS A DISTANCE OF 300.00 FEET TO AN OLD IRON PIN, THE NORTHWEST CORNER OF THE STERN, DUBERSTIEN AND WILSON LOT; THENCE NORTHWARDLY MAKING AN INTERIOR ANGLE OF 89 DEG. 05 MINUTES 35 SECONDS ALONG THE EAST LINE OF COVINGTON PIKE A DISTANCE OF 170.49 FEET TO THE BEGINNING.

Tax Parcel I.D.#: 087051 00115

Being the same property conveyed by deed of record at Instrument No. 19082992 in the Register's Office of Shelby County, Tennessee.

This conveyance is subject to City of Memphis and Shelby County Taxes for the year 2021, not yet

due and payable; Subdivision restrictions, building lines and easements of record in Plat 76, Page 14; Plat 120, Page 53; Plat Book 126, Page 64, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said Grantee, its heirs, successors and assigns in fee simple forever.

The said Grantor does hereby covenant with the Grantee that the Grantor is lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except for matters of record in the Register's Office of Shelby, Tennessee, and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

Fahad Sayani

STATE OF TENNESSEE COUNTY OF SHELBY

On this 16th day of October, 2020, before me personally appeared Fahad Sayani, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

STATE OF TENNESSEE NOTARY PUBLIC

Same Solow Expires & 2

Witness my hand, at office, this 16th day of October, 2020.

Notary Signature

My commission expires:

STATE OF TENNESSEE COUNTY OF SHELBY

#### VALUATION AFFIDAVIT

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$252,500.00. which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

> YAATON LENNESSEE OE

SIVIE SINAD AGE

Lou loa

Subscribed and sworn to before me this 10th day of October, 2020.

Notary Public

Commission Expiration:

RETURN TO:

Stanley & Rainey, P.C.

7515 Corporate Center Drive

Germantown, TN 38138

20 200867

8747041

PROPERTY ADDRESS:

3074 Covington Pike

Memphis, TN 38128

NAME AND ADDRESS OF PROPERTY OWNER: 4 mail Tax Notices To. MEDICOS GENERAL PLLC

3040 Covington Pike

Memphis, TN 38128

File No. 20-00807

#### CERTIFICATION OF AN ELECTRONIC DOCUMENT

I, Hal Stanley, do hereby make oath that I am a licensed attorney and/or custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original documented executed and authenticated according to law.

Hal Stanley, Attorney

#### STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me on the day of October 2020, the undersigned notary public for this county and state, Hal Stanley, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Public

STATE

OF TENNESSEE NOTARY PUBLIC

EYP JANUARY

My Commission Expires:\_\_\_\_\_



# Shelby County Tennessee Shelandra Y. Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

#### 19041508

04/30/2019 - 08:13	AM
5 PGS	
LACT 1863787-19041508	
YALUE	450000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1665.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1693.00

#### SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared: Wyatt, Tarrant & Combs, LLP (JGML) 6070 Poplar Ave., Suite 300 Memphis TN 38119-3907

After recording, return to: Hodges Law Firm, PLUC 2294 S. Germantown Rd. Germantown, TN 38138

#### SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into this 25th day of April, 2019, by and between Raleigh Doctors Center, LLC, a Tennessee limited liability company ("Grantor") and Camellia and William Rodney, ("Grantee"). \* wife and husband

#### WITNESSETH:

That for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey, and confirm unto Grantee the real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, and as more particularly described on Exhibit A attached hereto and incorporated herein by reference, being the all (or part) of the same property conveyed to Raleigh Doctors Center, a partnership composed of E. Norman Stern, Robert E. Wilson, Larry E. Duberstein, and Carl W. Huff, by deed recorded under instrument number S31288. Raleigh Doctors Center merged into Grantor, a certificate of merger dated August 21, 2003 having been recorded under instrument number 03172586 in the Shelby County Register's Office.

TO HAVE AND TO HOLD the aforesaid real estate, together with all after acquired title of Grantor in and to the real estate and all the appurtenances and hereditaments thereunto belonging or in any way appertaining unto Grantee, its successors and assigns, in fee simple forever.

Grantor does hereby covenant with Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for except for 2019 ad valorem property taxes not yet due and payable, which, as of the date of this conveyance, Grantee hereby assumes and agrees to pay; zoning ordinances which affect the property described herein; easement of record in the Shelby County Register's Office at S4-1222, lease with Dr. Keith Morris dba Dr. Keith Morris Family Dentistry (AKA Keith Morris Family Dentistry, PLLC), lease with Andrea Jamerson dba "VBA" Beatrice Settles dba Nora Inc., Memorandum of Lease record at Instrument Nos. Y5-6477, Y5-6478, <del>Y5-479</del>, Y5-6480, <del>Y5-850</del>, Y5-7852, in the aforesaid Register's Office, and all other matters of Record in the aforesaid Register's Office or the Tennessee Secretary of State's Office that encumber the property, to all of which this conveyance is expressly made subject; and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under it but not further or otherwise. \*\*\* 45-7850 \*\* 45-6479

WITNESS the signatures of Grantor the day and year first above written. becom.

[SIGNATURE AND ACKNOWLEDGMENT PAGE FOLLOWS]

#### SPECIAL WARRANTY DEED

#### SIGNATURE AND ACKNOWLEDGMENT PAGE

#### GRANTOR:

Raleigh Doctors Center, LLC, a Tennessee limited liability company

Larry E. Duberstein, MD, by Shirley Duberstein, Duberstein, attorney in fact pursuant to the Powers of Attorney recorded in the Shelby County Register's Office at Instruments Number 19023233 and 19023855

Title: Chief Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, Park Park Park Park Park of the state and county mentioned, personally appeared Shirley Duberstein, to me known (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the attorney-in-fact for Larry E. Duberstein, MD, the Chief Manager of Raleigh Doctors Center, LLC, the within named bargainor, a limited liability company, organized and existing under the laws of Tennessee, and that she as such attorney-in-fact for the Chief Manager of Raleigh Doctors Center, LLC, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the company as such Chief Manager.

WITNESS my hand and Notarial Seal at office this day of April, 2019.

My Commission Expires:

Notary Public

[affix seal]

#### SPECIAL WARRANTY DEED

#### Consideration Affidavit

#### STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$450,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this 2004 day of April, 2019.

My Commission Expires: 12/4/9

Notary Public

[affix seal]

#### Recording Information

Property Address: 3068 Covington Pike Memphis, TN 38128	Tax Parcel ID No.: 087051 00114	Owner: William and Camellia Rodney 6575 Black Thorn a Memphis, TN 38(19	Mail Tax Bills To: William and Camellia Rodney 6575 Black Thom Commemphis, TN 3616
---	---------------------------------	---	--

Recording Fee	\$20.00
Clerk's Fee	1.00
DP Fee	2.00
Recording Tax	1,665.00
Total	\$1,688.00

TG#:

CTIC 7525241

#### SPECIAL WARRANTY DEED

#### Exhibit A

#### The Property

Part of the Etta Paine 100 acres in Memphis, Shelby County, Tennessee, and more particularly described as, follows:

Beginning at a point in the east line of Covington Pike 628.4 feet north of the north line of Stage Road, as measured along the east line of Covington Pike, said point being 57 feet east of the centerline of Covington Pike, as measured at a right angle to said centerline and also being 10 feet north of the original southwest comer of the Stern, Duberstein and Wilson property; thence eastwardly parallel to and 10 feet north of the original Stern, Duberstein and Wilson south line a distance of 300 feet to point; thence northwardly making an interior angle of 90° 52 minutes 52 seconds a distance of 178.14 feet to a point; thence westwardly making an interior angle of 89° 05 minutes 35 seconds a distance of 300 feet to a point in the east line of Covington Pike, said point being 57 feet east of the centerline of Covington Pike, as measured at a right angle to said centerline; thence southwardly making an interior angle of 90° 54 minutes 25 seconds along the east line of said Pike a distance of 178 feet to the beginning.

This being the same property conveyed to Raleigh Doctors Center by deed recorded under instrument number S31288. Raleigh Doctors Center merged into RALEIGH DOCTORS CENTER LLC, a certificate of merger dated August 21, 2003 having been recorded under instrument number 03172586, said register's office.

This is improved property with a municipal address of 3068 Covington Pike.

I, Lincoln Hodges, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Lincoln Hodges

State of Tennessee County of Shelby

Personally appeared before me, Scott Lemmons, a notary public for this county and state, Lincoln Hodges, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Scott Lemmons

MY COMMISSION EXPIRES: December 14, 2019



# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

City Hall - 125 N. Main Street-Suite 468 - Memphis, Tennessee 38103 - (901) 636-7120

#### NOTICE OF PUBLIC HEARING

You are receiving this Notice of Public Hearing because you own a property near the location of a land use case filed with the Office of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a Public Hearing on the following Planned Development application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER:

P.D. 21-40

DEVELOPMENT NAME: Los Medicos Planned Development

LOCATION:

East side of Covington Pike; +/-628.31 feet north of Stage Road

(SEE CONCEPT PLAN ON REVERSE SIDE)

APPLICANT(S):

Medicos General, PLLC

REQUEST:

Planned development to allow Office General (OG) District land uses, including

medical offices within the Outline Plan

#### THE PUBLIC HEARING WILL BE HELD:

DATE: TIME:

Thursday, December 9th, 2021

LOCATION:

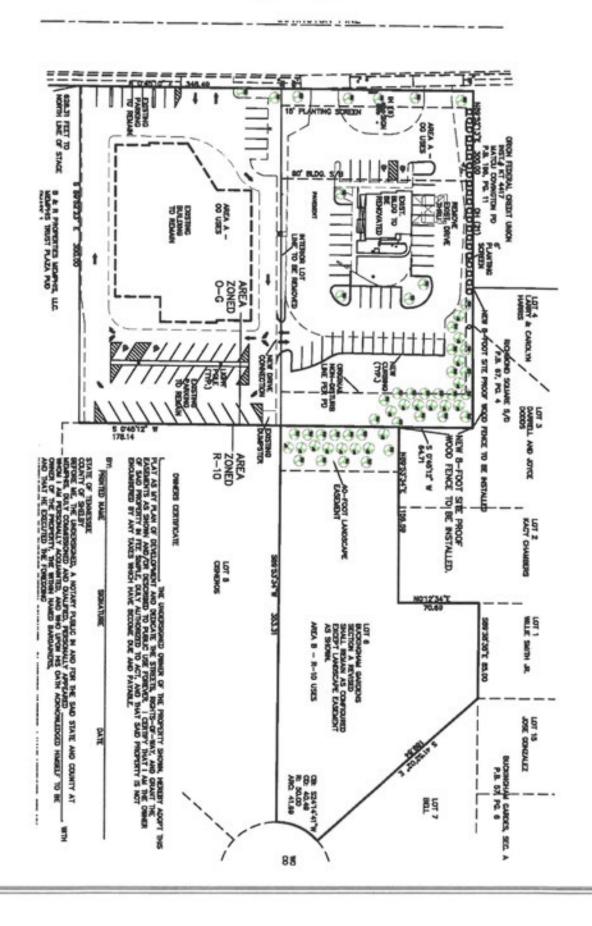
9:00 A.M. (No Executive Session) 125 N. Main Street-Lobby

City Council Chambers

During the Public Hearing, the Board may approve with conditions, deny or continue the item until the next regularly scheduled monthly meeting of the Board. After recommendation by the Land Use Control Board, the application will require a public hearing by the Memphis City Council. This legislative body shall make the final decision to approve or deny the request for planned development to allow general office uses, including medical offices within the plan of development.

Note: The Land Use Control Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a request was made by a property owner, staff or a Board member requesting the item be removed from the Consent Agenda. If you have questions concerning this Planned Development application, call Brian Bacchus @ (901) 636-7120 or via email brian.bacchus@memphistn.gov

# LOS MEDICOS PLANNED DEVELOPMENT CONCEPT PLAN



#### Los Medicos Planned Development Page 1 of 4

Medicos General PLLC 3074 Covington Pike Memphis, TN 38134 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Owner

Engineer

B & R Properties Memphis LLC 756 Ridge Lake Blvd. Ste. 212 Memphis, TN 38120 B & R Properties Memphis LLC 733 N First St. Ste. 201 San Jose, CA 95112 Orion Federal Credit Union 400 Monroe Ave. Memphis, TN 38103-3212

NTP Covington Pike – Stage LLC P.O. Box 1159 Deerfield, IL 60015-6002 Stage Woods Office Park Assoc. Inc. 26 N 2<sup>nd</sup> St. Memphis, TN 38103-2602 Brenda Richardson Memorial Care Home LLC 5100 Stage Rd. Ste. 2 Memphis, TN 38134

Bobby & Rhonda Westbrooks 5100 Stage Rd. #B-4 Memphis, TN 38134

MDH Properties LLC 5100 Stage Rd. Bartlett, TN 38134-3161 David & Loretta Morton 5108 Stage Rd. Memphis, TN 38134

Brian C Hill 5112 Stage Rd. Ste. 3 Memphis, TN 38134-3160

Hill Family Irrevocable Trust 6015 Windsor Oak Rd. Arlington, TN 38002-6806 Stephen S Williams 5112 Stage Rd. Ste. 4 Memphis, TN 38134-3160

Shelby County Deputy Sheriffs Assoc. 5120 Stage Rd. Memphis, TN 38134-3164 MDH Properties LLC 5124 Stage Rd. Ste. C-1 Memphis, TN 38134-3164

STR Restaurant Group LLC 6250 Green Meadows Rd. Memphis, TN 38120-3101

Primacy Oaks Office Park Assoc. Inc. 5150 Stage Rd. Ste. 103 Memphis, TN 38134 Tennessee Court LLC 100 W Broadway Apt. 4T Long Beach, NY 11561-4013 Memphis Fire Fighters Assoc. 5150 Stage Rd. Ste. 103 Memphis, TN 38134

Lloyd & Melissa Foner 5130 Stage Rd. Memphis, TN 38134-3164 SRI NIVASA LLC 4445 Whisper Run Dr. Collierville, TN 38017-8543 Sala Farsi & Clare McTernan 19366 Rosita St. Tarzana, CA 91356-5055

#### Los Medicos Planned Development Page 2 of 4

Glenn H Hailey 3007 Wood Thrush Dr. Memphis, TN 38134-3155 Patricia A Nelson 3015 Wood Thrush Dr. Memphis, TN 38134 ARVM 5 LLC 5001 Plaza on the Lake Ste. 200 Austin, TX 78746-1053

Resident 3025 Wood Thrush Dr. Memphis, TN 38134 Yvonne D Bragg 3033 Wood Thrush Dr. Memphis, TN 38134 Timothy & Patricia Davis 3041 Wood Thrush Dr. Memphis, TN 38134-3155

Elgin Rogers 5181 Wax Wing Ln Memphis, TN 38134-3151 Billy & Glynise Cox 5180 Wax Wing Ln. Memphis, TN 38134 Equity Trust Co. Cust FBO Thomas Kievier IRA 101034 15241 Chalon Cir Irvine, CA 92604

Resident 3048 Wood Thrush Dr. Memphis, TN 38134 Equity Trust Cust. FBO Kambiz Ansari IRA P.O. Box 426 Santa Clara, CA 95052-0426

Resident 3056 Wood Thrush Dr. Memphis, TN 38134

Hoke & Donna Griffin 3064 Wood Thrush Dr. Memphis, TN 38134 Meryl L Isabel 3074 Wood Thrush Dr. Memphis, TN 38134-3158 Gregg & Kathy Williams 3080 Wood Thrush Dr. Memphis, TN 38134-3158

Ursula Robinson 3090 Wood Thrush Dr. Memphis, TN 38134-3158 Gregory D White 3053 Wood Thrush Dr. Memphis, TN 38134 Willie Jones 5155 Wood Thrush Cv. Memphis, TN 38134-3154

Justin K Null 5145 Wood Thrush Cv. Memphis, TN 38134-3154 Allen & Rikkisha Duckworth 5135 Wood Thrush Cove Memphis, TN 38134-3154 Pedro R. Cisneros 6183 Guffin Cove Bartlett, TN 38135-6151

Resident 5125 Wood Thrush Cove Memphis, TN 38134 Esperanza L & Ronshea Bell 5136 Wood Thrush Cv. Memphis, TN 38134 Gerald & Barbara Block 1977 Trust 8828 Wine Valley Circle San Jose, CA 95135-2170

Resident 5146 Wood Thrush Cv. Memphis, TN 38134 Andrea S Briggs 5156 Wood Thrush Cv. Memphis, TN 38134 Charles & Freddie Patterson 3075 Wood Thrush Dr. Memphis, TN 38134

#### Los Medicos Planned Development Page 3 of 4

Gwendolyn Matthews 3087 Wood Thrush Dr. Memphis, TN 38134 Juaquatta Harris 5157 Blackwell Rd. Memphis, TN 38134 Michael Taylor 5147 Blackwell Rd. Memphis, TN 38134-3101

John & Jan Rowberry 5137 Blackwell Rd. Memphis, TN 38134-3101

Jose Gonzalez 5127 Blackwell Rd. Memphis, TN 38134 Willie Smith 5119 Blackwell Rd. Memphis, TN 38134

Kacy Chambers 5111 Blackwell Rd. Memphis, TN 38134 Darrell & Joyce Dodds 5105 Blackwell Rd. Memphis, TN 38134-3101 Larry & Carolyn Harris 5101 Blackwell Rd. Memphis, TN 38134

Mark A Murdoch 5100 Blackwell Rd. Memphis, TN 38134 Kamika M Blanton 5104 Blackwell Rd. Memphis, TN 38134 Verita Moses 5110 Blackwell Rd. Memphis, TN 38134

Joyce Holloway 5118 Blackwell Rd. Memphis, TN 38134-3102 Robert & Avril Newsom 5126 Blackwell Rd. Memphis, TN 38134-3102 Keith Harper 5136 Blackwell Rd. Memphis, TN 38134-3102

Alexander Vega & Contreras Hermann 5146 Blackwell Rd. Memphis, TN 38134-3102 William & Sandra Brown 5156 Blackwell Rd. Memphis, TN 38134-3102 John & Janice Davis 3109 Wood Thrush Dr. Memphis, TN 38134-3178

Mary McCool 5157 Kemel Ln Memphis, TN 38134-3183 Jimmy & Alma Holland 5147 Kemel Ln. Memphis, TN 38134-3183 Burt & Amelia Hunter 5139 Kemel Ln Memphis, TN 38134-3183

Bonnie Hunter 5129 Kemel Ln. Memphis, TN 38134-3183 James Skefos 2884 Walnut Grove Rd. Memphis, TN 38111-2714 Resident 3156 Covington Pike Memphis, TN 38134

Shalunda Askew 3135 Covington Pike Memphis, TN 38128 Larry & Brenda Hunt 3125 Covington Pike Memphis, TN 38128-5015 Cynthia Griffin 3115 Covington Pike Memphis, TN 38128

#### Los Medicos Planned Development Page 4 of 4

Kien, Chau, Lai Thi Nguyen 3105 Covington Pike Memphis, TN 38128-5015 Tabitha Kalapu & Ramirez Valentina 3095 Covington Pike Memphis, TN 38128-5015 Brinda Beard 3136 Raleight Ridge Cv. Memphis, TN 38128-5022

Mary Collier 3126 Raleigh Ridge Cv. Memphis, TN 38128-5022 BAF Assets LLC 5001 Plaza on the Lake Ste. 200 Austin, TX 78746-1053

Resident 3166 Raleigh Ridge Cv. Memphis, TN 38128

Midway Exchange Borrower 12 LLC 3505 Koger Blvd. Duluth, GA 30096-7672 Residential 3110 Raleigh Ridge Cv. Memphis, TN 38128 Aubrey & Villa Henderson 3106 Raleigh Ridge Cv. Memphis, TN 38128-5022

Alma Arenillas 3102 Raleigh Ridge Cv. Memphis, TN 38128-5022 Theodore Jennings & Derrick Wheatley 3105 Raleigh Ridge Cv. Memphis, TN 38128-5022 RK Capital Investments LLC 6329 State Road 54 New Port Richey, FL 34653

Park Place Properties of Nebraska, LLC 3549 S 210<sup>th</sup> Ave. Elkhorn, NE 68022-3272 Reesman Investment Corp 930 W First St. Ste. 303 Fort Worth, TX 76102

SMPO Development LLC 5858 Ridgeway Center Pkwy Memphis, TN 38120-4004

Taco Bell of America Inc. P.O. Box 80615 Indianapolis, IN 46280

sa

Lemonade MM Covington Pike LLC 1000 Maine Ave SW Washington, DC 20024-3494 Safeway Williard TN LLC & 5050 Stage Rd. Co. LLC 708 Third Ave. Floor 28 New York, NY 10017-4201



# Shelby County Register of Deeds Shelandra Y. Ford

# RODNEY CAMELLIA & WILLIAM

Parcel Address: 3068 COVINGTON PIKE

Owner:

Parcel ID: 087051 00114

2021 Appraisal: \$498,200

Tax District: MEMPHIS

Year Built:

Lot Number:

Subdivision:

Plat BK & PG: UNKNOWN

Dimensions: 1.224AC 178.14X300

Total Acres: 1.223

Owner Address: 6575 BLACK THORN CV

MEMPHIS TN

38119 5505



### Melvin Burgess Assessor Of Property Shelby County Government

#### Property Location and Owner Information

Parcel ID 087051 00114

Property Address 3068 COVINGTON PIKE

Municipal Jurisdiction MEMPHIS

Neighborhood Number 00601A57

Tax Map Page 94M

Land Square Footage 53274

Acres 1.223

Lot Dimensions 1.224AC 178.14X300

Subdivision Name

Subdivision Lot Number

Plat Book and Page

Number of Improvements 1

Owner Name RODNEY CAMELLIA & WILLIAM

In Care Of Owner Address 6575 BLACK THORN

Owner City/State/Zip MEMPHIS TN 38119

## Appraisal and Assessment Information

Class	COMMERCIAL
Land Appraisal	\$202,100
Building Appraisal	\$296,100
Total Appraisal	\$498,200
Total Assessment	\$199,280
Greenbelt Land Appraisal	\$0
Homesite Land Appraisal	\$0
Homesite Building Appraisal	\$0
Greenbelt Appraisal	\$0
Greenbelt Assessment	\$0

#### Improvement/Commercial Details

Land Use - OFFICE MEDICAL

Total Living Units 0

Structure Type OFFICE MEDICAL

Year Built 1982

Investment Grade D

#### Other Buildings

Card	Year Built	Length	Width	Area	Туре
1	1950	400	6	2,400	FENCE CHAIN LINK
1	1950			30,000	PAVING ASPHALT <75,000 SQ.FT.

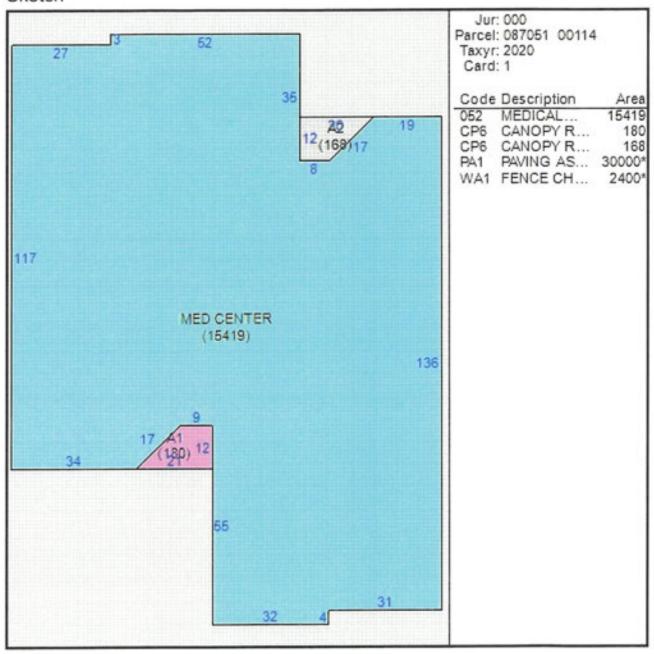
#### Permits

Date of Perm	it Amount of Permit	Permit Number	Reason	
07/21/2021	\$205,000	COM-ALT-21 -000370		
04/29/2020	\$54,750	B1115999	ALT	
03/03/2020	\$75,125	B1114294	ALT	
07/15/2019	\$12,000	B1110749	ALT	
06/19/2007		B0994341	UO	
03/28/1985	\$12,738	87136		
01/26/1984	\$30,000	48015		
01/07/1981	\$0	44002		

Sales

Date of Sale	Sales Price	Deed Number	Instrument Type
04/25/2019	\$450,000	19041508	SW
08/21/2003	\$0	03172586	CR
03/05/1981	\$0	S31288	QC
09/08/1978	\$80,000	N65414	WD

#### Sketch





Shelby County Register of Deeds Shelandra Y. Ford

# MEDICOS GENERAL PLLC

Parcel Address: 3074 COVINGTON PIKE

Parcel ID: 087051 00115

2021 Appraisal: \$248,000

Tax District: MEMPHIS

Year Built:

Lot Number:

Subdivision: COVINGTON PIKE BRANCH P U D FINAL PLAN

Plat BK & PG: 126-64

Dimensions:

Total Acres: 1.173

Owner Address: 3040 COVINGTON PIKE

MEMPHIS TN

38128 5016



# Melvin Burgess Assessor Of Property Shelby County Government

#### Property Location and Owner Information

Parcel ID 087051 00115

Property Address 3074 COVINGTON PIKE

Municipal Jurisdiction MEMPHIS

Neighborhood Number 00601A57

Tax Map Page 94M

Land Square Footage 51096

Acres 1.173

Lot Dimensions

Subdivision Name COVINGTON PIKE BRANCH P U D

FINAL PLAN

Subdivision Lot Number

Plat Book and Page 126-64

Number of Improvements 1

Owner Name MEDICOS GENERAL PLLC

In Care Of Owner Address 3040 COVINGTON PIKE

Owner City/State/Zip MEMPHIS TN 38128

#### Appraisal and Assessment Information

Class	COMMERCIAL
Land Appraisal	\$106,700
Building Appraisal	\$141,300
Total Appraisal	\$248,000
Total Assessment	\$99,200
Greenbelt Land Appraisal	\$0
Homesite Land Appraisal	\$0
Homesite Building Appraisal	\$0
Greenbelt Appraisal	\$0
Greenbelt Assessment	\$0

#### Improvement/Commercial Details

Land Use - OFFICE MEDICAL

Total Living Units 0

Structure Type OFFICE MEDICAL

Year Built 1988

Investment Grade B

#### Other Buildings

Card	Year Built	Length Width	Area	Туре
1	1988		11,944	PAVING ASPHALT <75,000
				SQ.FT.

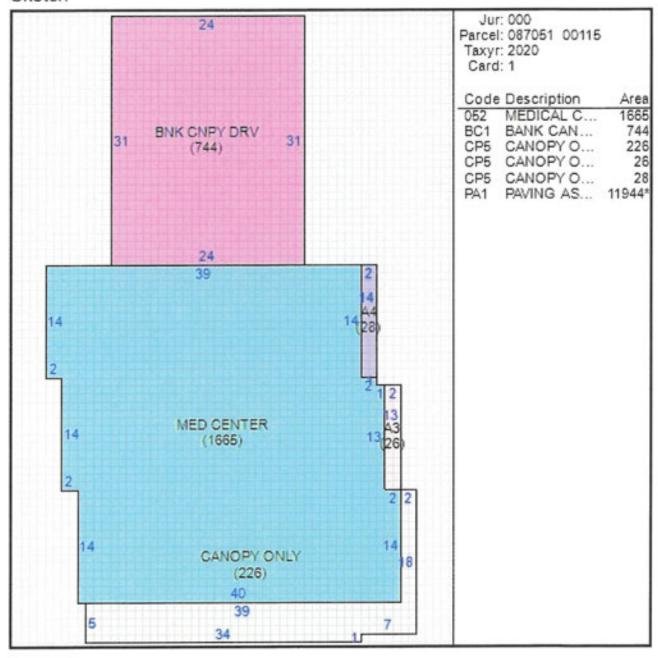
#### Permits

Date of Perm	it Amount of Permit	Permit Number	Reason	
02/05/2007		B0958206	UO	
05/12/1989	\$70,000	132045		
03/11/1988	\$175,000	0		
03/11/1988	\$175,000	16844		
04/09/1981	\$122,800	99035		

Sales

Date of Sale	Sales Price	Deed Number	Instrument Type
10/16/2020	\$252,500	20115583	WD
12/17/2019	\$0	19131228	QC
08/09/2019	\$140,000	19082992	SW
12/15/2003	\$199,000	04018944	WD
11/12/1987	\$255,610	AD6157	WD

#### Sketch





Shelby County Register of Deeds Shelandra Y. Ford

Parcel Address: 5126 WOOD THRUSH CV

Parcel ID: 087051 B00006C

2021 Appraisal: \$172,000

Year Built: Tax District: MEMPHIS

Lot Number: 6&TRACT

Subdivision: **BUCKINGHAM GARDENS SEC A REV** 

Plat BK & PG: 52-26

Dimensions: 0.800AC 40.22/100.36+70 X 353.31/

Total Acres:

0.8

MEMPHIS TN

Owner Address: 5126 WOOD THRUSH CV

38134 3154



#### Melvin Burgess Assessor Of Property Shelby County Government

#### Property Location and Owner Information

Parcel ID 087051 B00006C

Property Address 5126 WOOD THRUSH CV

Municipal Jurisdiction MEMPHIS

Neighborhood Number 00601B02

Tax Map Page 94M

Land Square Footage 34848

Acres 0.8

Lot Dimensions 0.800AC 40.22/100.36+70 X 353.31/

Subdivision Name BUCKINGHAM GARDENS SEC A

REV

Subdivision Lot Number 6&TRACT

Plat Book and Page 52-26

Number of Improvements 1

Owner Name RODNEY JOHN R & DIANA A

**ACOSTA** 

In Care Of Owner Address 5126 WOOD THRUSH

Owner City/State/Zip MEMPHIS TN 38134

#### Appraisal and Assessment Information

Class RESIDENTIAL Land Appraisal \$15,500

Building Appraisal \$156,500

Total Appraisal \$172,000

Total Assessment \$43,000

Greenbelt Land Appraisal \$0

Homesite Land Appraisal \$0

Homesite Building Appraisal \$0

Greenbelt Appraisal \$0

Greenbelt Assessment \$0

#### Improvement/Commercial Details

Stories 1

Exterior Walls STONE

Land Use - SINGLE FAMILY

Year Built 1975

Total Rooms 8

Bedrooms 4

Bathrooms 2

Half Baths

Heat CENTRAL A/C AND HEAT

Fuel NOT APPLICABLE

Heating System NOT APPLICABLE

Fireplace Masonry 1

Fireplace Pre-Fab 0

Ground Floor Area 2045

Total Living Area 2045

Car Parking CARPORT

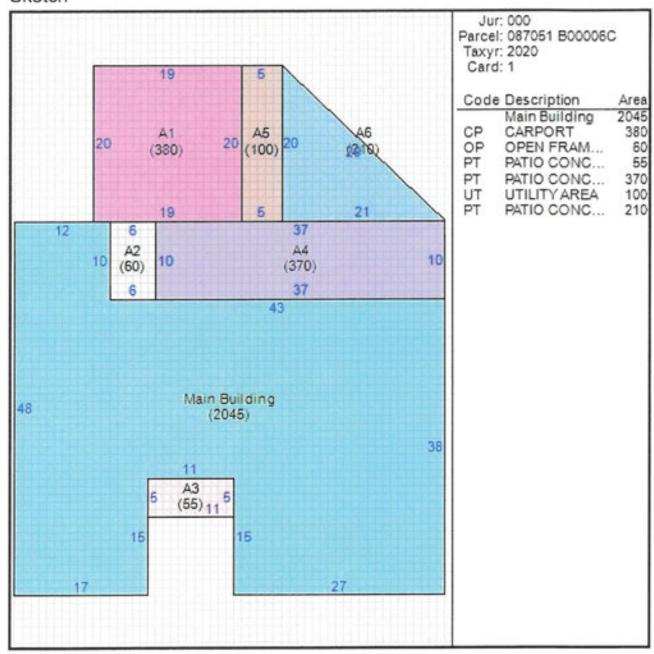
#### Permits

Date of Permit Amount of Permit		Permit Number	Reason	
04/22/1986	\$1,100	112089		

Sales

Date of Sale	Sales Price	Deed Number	Instrument Type
02/24/2021	\$180,000	21128630	WD
10/15/2001	\$0	01014354	QC
01/25/1999	\$129,000	JC1935	WD
07/28/1994	\$88,000	EP0278	WD
12/11/1978	\$72,000	N95451	CD

#### Sketch



#### AFFIDAVIT

Shelby County State of Tennessee

I. Laurunes Peraustas, being duly sworn, depose and say that at \$\frac{\circ}{c}\cop \text{ard/pm}\$ on the \$\frac{2}{c}\text{day of } \text{November } No	t
12-01-121	
11/2//	
Owner Applicant or Representative Date	
Subscribed and sworn to before me this day of	
Notary Public  My commission expires: 9/11/2023 Public STATE TENNESSEE NOTARY Public P	
THE STEERY COUNTY, LINE	







## RESOLUTION APPROVING A PLANNED DEVELOPEMNT FOR PROPERTY LOCATED AT THE EAST SIDE OF COVINGTON PIKE; +/-628.31 FEET NORTH OF STAGE ROAD, KNOWN AS CASE NUMBER P.D. 21-40, LOS MEDICOS PLANNED DEVELOPMENT

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to a grant a planned development for certain stated purposes in various zoning districts; and

WHEREAS, the *Medicos General*, *PLLC* filed a planned development application with the Memphis and Shelby County Office of Planning and Development to allow Office General (OG) District land uses, including medical offices at the *east side of Covington Pike*; +/-628.31 feet north of Stage Road; and

WHEREAS, the Division of Planning and Development has received and reviewed the planned development application in accordance with procedures, objectives, and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to Outline Plan Conditions concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on *Thursday, December 9<sup>th</sup>, 2021*, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the planned development application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS,** that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted to allow an *Office General (OG) District land uses, including medical offices* in accordance with the attached *Outline Plan Conditions*.

BE IT FURTHER RESOLVED, that the requirements of said clause of the Unified Development Code shall be deemed to have been complied with; that the Outline Plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said Outline Plan and the provisions of Section 9.6.11 of the Unified Development Code.

**BE IT FURTHER RESOLVED,** that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

P.D. 21-40 Los Medicos Planned Development

ATTEST:

cc: Division of Planning and Development
Land Use and Development Services
Office of Construction Code Enforcement

### P.D. 21-40 Los Medicos Planned Development Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': Any use permitted by right in the Office General (OG) District.
  - B. Area 'B': A single family home to include a forty (40) foot wide landscape buffer along the rear property line.
  - C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Development Standards: The Development Standards of the Office General (OG) District shall apply for Area 'A' and Residential Single Family (R-10) District standards for Area 'B', except as illustrated on the Concept Plan.
- III. Access, Circulation, Roads and Pedestrian ways:
  - A. A maximum of two (2) curb cuts will be allowed for the entire plan of development.
  - B. The City Engineer shall approve the design, number and location of curb cuts.
  - C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
  - E. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
  - F. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### IV. Landscaping and Screening:

- A. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall illustrate the vision triangle and sight distances.
- B. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during any new construction.
- C. A forty (40) foot wide landscape buffer to include evergreen trees and shrubs shall be installed along the east line of Area 'A' for the north lot and along the west line of Area 'B' for the single-family home, subject to review and approval by staff.

- D. An adequate landscape screen shall be installed to include evergreen trees and a sight-proof fence six (6) feet in height along the east line of Area 'A' for the south lot.
- V. Signs: Any new signs for the office plan shall be installed with landscaping at the base pf the sign in conformance with regulations established for Office General (OG) District of Sub-Section 4.9.7C of the UDC.

#### VI. Grading and Drainage:

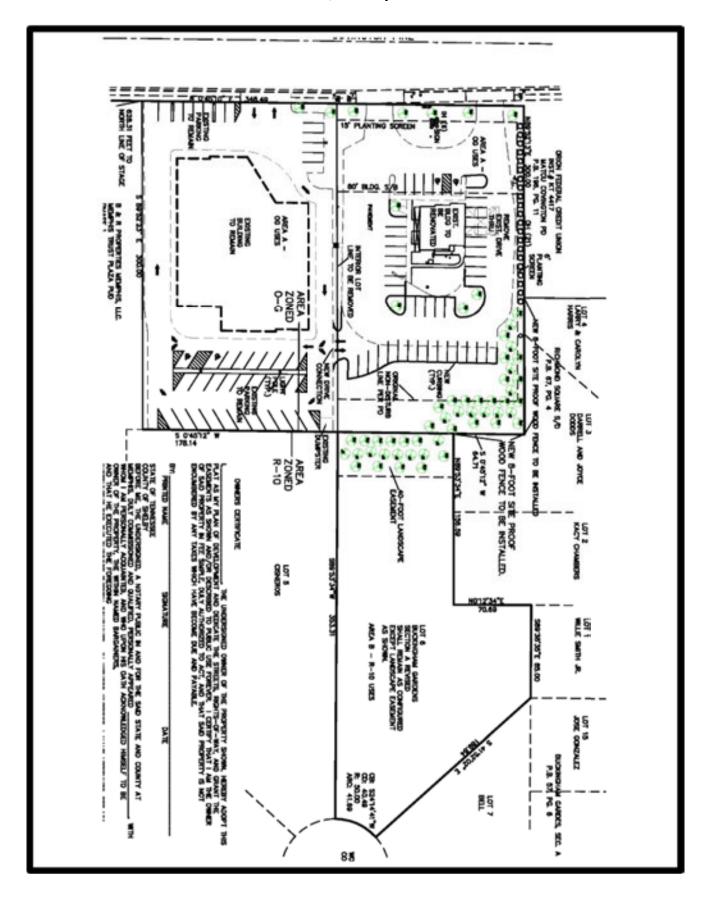
- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- B. If necessary, drainage plans shall be submitted to the City Engineer for review and approval.
- C. If necessary, an overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
- D. If necessary, drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any Final Plan shall include the following:
  - A. The Outline Plan Conditions;
  - B. A standard subdivision contract as defined by the Unified Development Code for any required public improvements; and
  - C. The exact location and dimensions, including height of utility, drainage and sewer easements, private drives, required parking areas, landscaping and screening areas; and
  - D. The location and ownership, whether public or private of any easement(s).
  - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and
  - F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including landscape buffers, private roads, drainage and sewer.

- G. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
- H. The following note shall be placed on the Outline/Final Plan:

NOTE: The recording of this Outline/Final plan shall supersede the Covington Pike Branch (P.U.D. C-70) final plan of development as recorded in Plat Book 126-Page 64 in the Office of the Shelby County Register.

P.D.21-40 Los Medicos Planned Development

#### **Outline/Concept Plan**



#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL     ONLY STAPLED    TO DOCUMENTS	Planning & Z	<u>Coning</u> CO	OMMITTEE:	Planning & Development DIVISION 01/04/2022	
		PUBLIC	SESSION:	DATE 01/04/2022 DATE	
X RESOLUTION		CATION _	REQUES	T ACCEPTANCE / AMENDMENT Γ FOR PUBLIC HEARING	
ITEM DESCRIPTION:	A resolution approvi	ng a 92-lot	residential singl	e-family planned development	
CASE NUMBER:	PD 21-41				
DEVELOPMENT:	Tyler Hills Planned	Developme	nt		
LOCATION:	East side of Old Covington Pike and at the terminus of Maiden Grass, Sunset Lake and Waterdance				
COUNCIL DISTRICTS:	District 1 and Super District 9 – Positions 1, 2, and 3				
OWNER/APPLICANT:	Liberty Rents				
REPRESENTATIVE:	The Bray Firm				
EXISTING ZONING:	Residential Single-Family – 10 (R-10)				
REQUEST:	92-lot residential single-family planned development				
AREA:	+/-26.06 acres				
RECOMMENDATION:				ommended Approval with conditions proval with conditions	
RECOMMENDED COUNC	CIL ACTION: Publ First	<mark>ic Hearing</mark> reading/hea	Not Required ring – <u>January</u> 4	I <u>, 2022</u>	
PRIOR ACTION ON ITEM: (1) 12/09/2021 (1) Land Use Control Board		APPROV DATE ORGANI	'AL - (1) APPRO ZATION - (1) I	OVED (2) DENIED  BOARD / COMMISSION  COUNCIL COMMITTEE	
FUNDING:		REQUIR AMOUN	=======================================	NDITURE - (1) YES (2) NO ITURE	
\$			ING BUDGET		
\$ \$ 		CIP PRO	JECT # L/STATE/OTH	ER	
ADMINISTRATIVE APPRO		=======	<u>DATE</u>		
				MUNICIPAL PLANNER	
				DEPUTY ADMINISTRATOR	
				DIRECTOR (JOINT APPROVAL)	
				FINANCE DIRECTOR	
				CITY ATTORNEY	
				CHIEF ADMINISTRATIVE OFFICER	
				COMMITTEE CHAIRMAN	



#### Memphis City Council Summary Sheet

#### PD 21-41 - Tyler Hills Planned Development

Resolution requesting a 92-lot residential single-family planned development on East side of Old Covington Pike and at the terminus of Maiden Grass, Sunset Lake and Waterdance:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant()s: Liberty Rents; and Representative(s): The Bray Firm; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE TYLER HILLS PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED ON THE EAST SIDE OF OLD COVINGTON PIKE AND AT THE TERMINUS OF MAIDEN GRASS, SUNSET LAKE, AND WATERDANCE, KNOWN AS CASE NUMBER PD 21-41.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, Liberty Rents filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 92-lot residential single-family planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 9, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

**BE IT FURTHER RESOLVED**, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the

contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.	

ATTEST:

CC: Division of Planning and Development

- Land Use and Development Services

- Office of Construction Enforcement

#### **OUTLINE PLAN CONDITIONS**

#### I. USES PERMITTED:

- A. Single Family Detached Residential Units
- B. Accessory uses as regulated by Section 27 of the Zoning Ordinance for R-8 uses.

#### II. BULK REGULATIONS:

A. The bulk regulations of the R-8 Use District shall apply.

# III. ACCESS and CIRCULATION:

- A. Improve Old Covington Pike 34 feet from centerline in accordance with Subdivision Regulations.
- B. Provide one point of access to the east that will align with the stub street in Section B of the Sunset Lake Subdivision (S 98-018 CC). The street cross section shall match the proposed 45/30 cross section.
- C. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.
- D. The final plat shall reflect the appropriate width pedestrian/sidewalk/utility easement along both sides of all alternative design street dedications in accordance with Subdivision Regulations.
- E. The City Engineer shall approve the design, number and location of curb cuts.
- F. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- G. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
- H. The width of internal public or private roadways and private alleys shall be governed by the Subdivision Regulations

# IV LANDSCAPING AND SCREENING:

A. Screening along the subject property boundaries, excluding the frontage on Old Covington Pike, shall consist of a minimum of a six-foot-tall sight-proof wooden fence on brick columns. Columns shall be space a maximum of 40 feet apart.

B. If entryway treatments are proposed, a detailed landscape and entryway plan shall be submitted for review.

#### V. DRAINAGE:

- A. All drainage and sewer plans are subject to the review and approval of the City Engineer.
  - B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

#### VI. SIGNS:

- A. All signs shall be subject to the signage requirements of the R-8 District
- B. Any entryway signage shall be illustrated on the Final Plat and subject to site plan review.
- VII. Modification by the Land Use Control Board:

The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, and other site requirements if equivalent alternatives are presented.

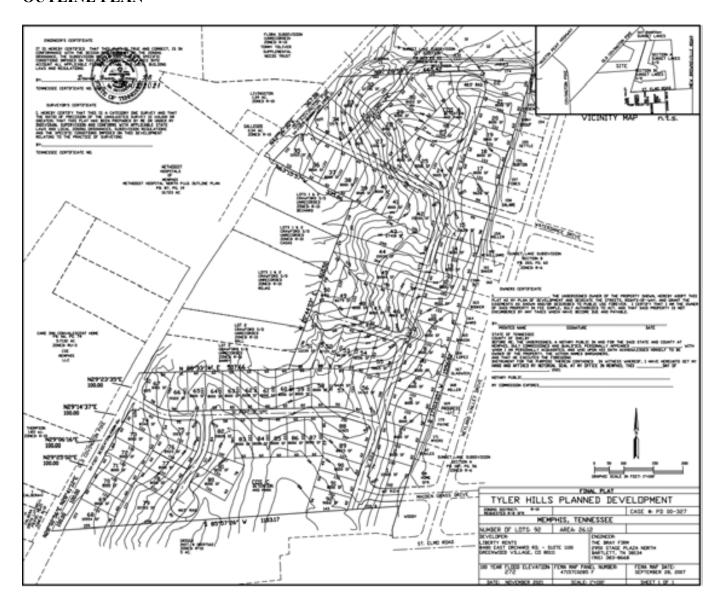
#### VIII. SITE PLAN REVIEW:

- A. A site plan shall be submitted to the Department of Planning and Development (DPD) for review and recommendation with notification to adjacent property owners, prior to or concurrent with the submittal of any final plan. The site plan should include proposed improvements, landscaping and other information as requested by the Office of Planning and Development. The Board shall consider the following factors:
  - 1. Outline Plan Conditions
  - 2. Landscaping and screening,
  - 3. Access and circulation
  - 4. Lot configuration
  - 5. Compatibility of the design of site plans with the Sunset Lakes Subdivision

- IX. A final plat shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
  - X. Any final plan shall include the following:
    - A. The outline plan conditions.
    - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
    - C. The exact location and dimensions or buildable areas, parking areas, utility easements and drives.
    - D. The content of all landscaping and screening to be provided.
    - E. The location of trees and groups of trees to be preserved along within the required landscaping/screening areas.
    - F. The location and ownership, whether public or private, of any easement.
    - G. A statement conveying all common facilities to a property owner's association or the entity for ownership and maintenance purposes.
    - H. The following note shall be placed on the final plant of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and /or property owner's association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the city and /or County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

H. The following note shall be placed on the final plant of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and /or property owner's association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the city and /or County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

# **OUTLINE PLAN**



# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 9, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-41

**DEVELOPMENT:** Tyler Hills Planned Development

**LOCATION:** East side of Old Covington Pike and at the terminus of

Maiden Grass, Sunset Lake and Waterdance

**COUNCIL DISTRICT(S):** District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Liberty Rents

**REPRESENTATIVE:** The Bray Firm

**REQUEST:** 92-lot residential single-family planned development

**EXISTING ZONING:** Residential Single-Family – 10 (R-10)

**AREA:** +/-26.06 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 8-0 on the consent agenda.

Respectfully,

Seth Thomas Municipal Planner

Land Use and Development Services
Division of Planning and Development

chiline

Cc: Committee Members

# PD 21-41 CONDITIONS

#### I. USES PERMITTED:

- A. Single Family Detached Residential Units
- B. Accessory uses as regulated by Section 27 of the Zoning Ordinance for R-8 uses.

#### II. BULK REGULATIONS:

A. The bulk regulations of the R-8 Use District shall apply.

#### III. ACCESS and CIRCULATION:

- A. Improve Old Covington Pike 34 feet from centerline in accordance with Subdivision Regulations.
- B. Provide one point of access to the east that will align with the stub street in Section B of the Sunset Lake Subdivision (S 98-018 CC). The street cross section shall match the proposed 45/30 cross section.
- C. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.
- D. The final plat shall reflect the appropriate width pedestrian/sidewalk/utility easement along both sides of all alternative design street dedications in accordance with Subdivision Regulations.
- E. The City Engineer shall approve the design, number and location of curb cuts.
- F. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- G. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
- H. The width of internal public or private roadways and private alleys shall be governed by the Subdivision Regulations

# IV LANDSCAPING AND SCREENING:

A. Screening along the subject property boundaries, excluding the frontage on Old

Covington Pike, shall consist of a minimum of a six-foot-tall sight-proof wooden fence on brick columns. Columns shall be space a maximum of 40 feet apart.

B. If entryway treatments are proposed, a detailed landscape and entryway plan shall be submitted for review.

#### V. DRAINAGE:

- A. All drainage and sewer plans are subject to the review and approval of the City Engineer.
- B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

# VI. SIGNS:

- A. All signs shall be subject to the signage requirements of the R-8 District
- B. Any entryway signage shall be illustrated on the Final Plat and subject to site plan review.

# VII. Modification by the Land Use Control Board:

The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, and other site requirements if equivalent alternatives are presented.

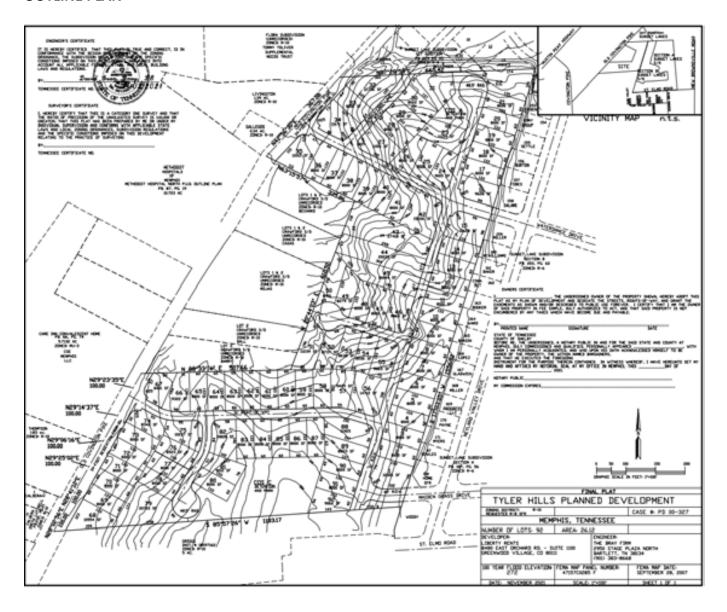
# VIII. SITE PLAN REVIEW:

- A. A site plan shall be submitted to the Department of Planning and Development (DPD) for review and recommendation with notification to adjacent property owners, prior to or concurrent with the submittal of any final plan. The site plan should include proposed improvements, landscaping and other information as requested by the Office of Planning and Development. The Board shall consider the following factors:
  - 1. Outline Plan Conditions
  - 2. Landscaping and screening,
  - 3. Access and circulation

- 4. Lot configuration
- 5. Compatibility of the design of site plans with the Sunset Lakes Subdivision
- IX. A final plat shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions or buildable areas, parking areas, utility easements and drives.
  - D. The content of all landscaping and screening to be provided.
  - E. The location of trees and groups of trees to be preserved along within the required landscaping/screening areas.
  - F. The location and ownership, whether public or private, of any easement.
  - G. A statement conveying all common facilities to a property owner's association or the entity for ownership and maintenance purposes.
  - H. The following note shall be placed on the final plant of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and /or property owner's association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the city and /or County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

H. The following note shall be placed on the final plant of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and /or property owner's association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the city and /or County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

# **OUTLINE PLAN**



# dpd STAFF REPORT

**AGENDA ITEM:** 9

CASE NUMBER: PD 21-41 L.U.C.B. MEETING: December 9, 2021

**DEVELOPMENT:** Tyler Hills Planned Development

**LOCATION:** East side of Old Covington Pike and at the terminus of Maiden Grass, Sunset Lake

and Waterdance

**COUNCIL DISTRICT:** District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Liberty Rents

**REPRESENTATIVE:** The Bray Firm

**REQUEST:** ninety-two-lot single-family residential planned development

**AREA:** +/-26.06 acres

**EXISTING ZONING:** Residential Single-Family – 10 (R-10)

# **CONCLUSIONS**

- 1. The applicant is requesting a 92-lot single family residential planned development with a minimum lot size of 8,000 square feet.
- 2. The existing subdivision to the west will be connected to this development by the three stub roads that also have existing utilities.
- 3. This development includes three common open space areas that will be used for storm water detention and pocket parks. A homeowners' association will be formed to provide for the maintenance of these lots.
- 4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

# **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is **consistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-17 of this report.

# RECOMMENDATION Approval with conditions

Staff Writer: Seth Thomas E-mail: seth.thomas@memphistn.gov

# **GENERAL INFORMATION**

Street Frontage: Covington Pike +/-967.08 linear feet

**Zoning Atlas Page:** 1745

**Parcel ID:** 087078 00007 and 087078 00001

**Existing Zoning:** Residential Single-Family – 10 (R-10)

# **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Tuesday, November 30, 2021, on ZOOM.

# **PUBLIC NOTICE**

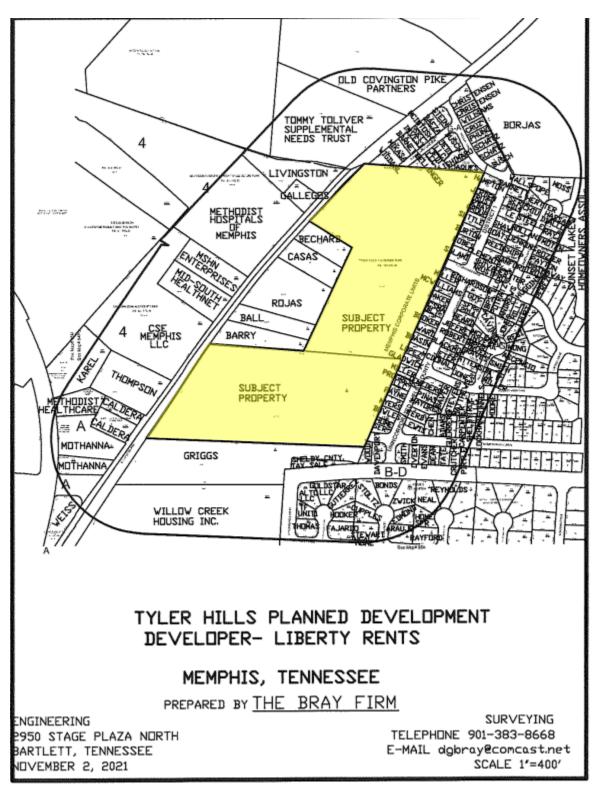
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 213 notices were mailed on November 23, 2021, and a total of 5 signs posted at the subject property. The sign affidavit has been added to this report.

# **LOCATION MAP**



Subject property located within the pink circle

# **VICINITY MAP**



Subject property highlighted in yellow

# **AERIAL**



Subject property outlined in yellow

# **ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Single-Family – 10 (R-10)

# **Surrounding Zoning**

**North:** R-6, R-10, Z 02-122cc, BOA 2016-30, and RU-2

**East:** R-6, Z 1999-115cc, RU-3, CMU-2, and PD 02-314cc

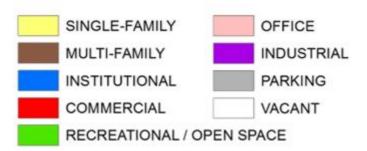
South: R-8, RU-2, and PDR-28

West: RU-3, PD 12-321, SUP 93-224, CMP-1, PD 00-316

# **LAND USE MAP**



# LandUse



Subject property indicated by a pink star

# **SITE PHOTOS**



View of the center of the northern portion of the subject property from Covington Pike looking south.



View of the southwest corner of the subject property from the Maiden Grass stub road facing west

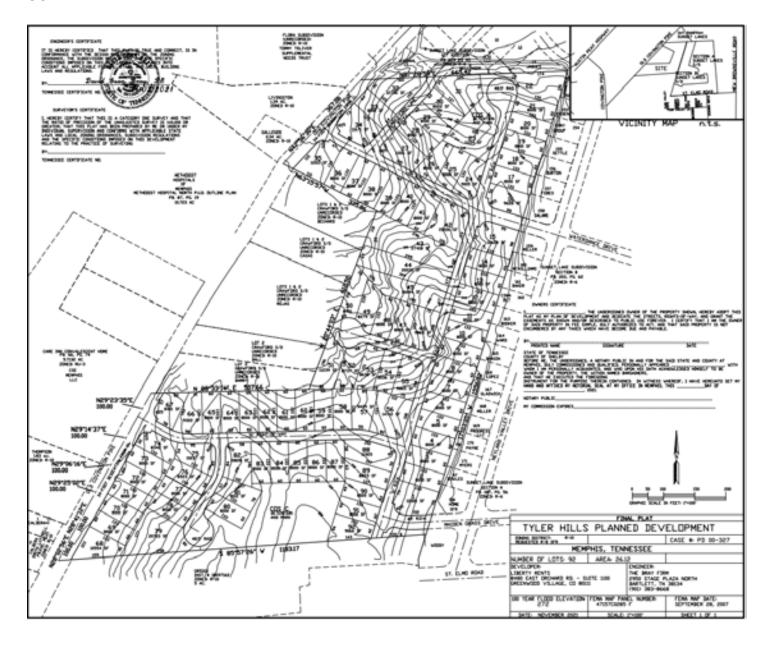


View of the southeast corner of the subject property from the end of Wyndance Drive facing west



View of the subject property from Sunset Lake Lane facing southwest

# **OUTLINE PLAN**



# **OUTLINE PLAN ZOOMED**



#### STAFF ANALYSIS

#### Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is a ninety-two-lot single-family residential planned development.

# **Applicability**

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

# 4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- 1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- 2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- 3. Functional and beneficial uses of open space areas.
- 4. Preservation of natural features of a development site.
- 5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- 6. Rational and economic development in relation to public services.
- 7. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- 8. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- 9. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- 10. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- 11. Consistency with the Memphis 3.0 General Plan.

#### **General Provisions**

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

#### 4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions

contained in this Chapter.

- 1. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- 2. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- 3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- 4. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- 5. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- 6. Lots of record are created with the recording of a planned development final plan.

# **Residential Criteria**

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

# 4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

1. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

2. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

3. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

4. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

5. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

# 6. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

# **Approval Criteria**

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

# 9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 1. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 2. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 3. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 4. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 5. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 6. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 7. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 8. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

#### **Site Description**

The subject property is +/-26.12 acres located on the east side of Covington Pike. The site is composed of two parcels (087078 00001 and 087078 00007) and is currently vacant land. There are no existing curb cuts that lead into the property. However, three roads from the neighboring development stub into this property and will be completed as part of this development.

# **Site Zoning History**

On August 1, 2000, the Council of the City of Memphis approved PD 2000-327 which was a residential Planned Development and allowed Single Family Residential Uses. Although an outline plan was recorded, a final plat was never filed on the development and the approval expired.

# **Consistency with Memphis 3.0**

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.





Red polygon indicates the application sites on the Future Land Use Map.

# 2. Land use description & applicability:

Primarily Single-Unit Anchor Neighborhoods are characterized by house scale buildings between one and three stories high. A mixture of detached and semi-detached homes fills this residential designation around the anchor location, mostly consisting of single-family homes or duplexes. These neighborhoods are located within a 10-minute walk of the anchor, making residential more accessible for pedestrians to anchor amenities.



# "AN-S" Goals/Objectives:

Preservation and stabilization of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services and jobs, building up not out.

# "AN-S" Form & Location Characteristics:

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 stories. Scale: house-scale.

The applicant is seeking approval for a 92-lot residential planned development amendment. The development will include storm water detention and neighborhood pocket parks.

The request meets the criteria of AN-S as the it will be a single-family residential use. The proposal will also stablize the neighborhood with infill development. Therefore, the request is consistent.

# 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family and Multi-Family. The subject site is surrounded by the following zoning district: R-10, R-6, RU-2 and RU-3. This requested land use is compatible with the adjacent land uses because existing land uses surrounding the parcels is similar in nature to the requested use.

# 4. Degree of Change map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Nurture.

# 5. Degree of Change Descriptions

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

Actions for Nurture anchors and anchor neighborhoods are meant to:

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

#### Ways to Nurture:

- "Road diets" reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke, Comprehensive Planning.

# **Conclusions**

The applicant is requesting a 92-lot single family residential planned development with a minimum lot size of 8,000 square feet.

The existing subdivision to the west will be connected to this development by the three stub roads that also have existing utilities.

This development includes three common open space areas that will be used for storm water detention and pocket parks. A homeowners' association will be formed to provide for the maintenance of these lots.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

# **RECOMMENDATION**

Staff recommends approval with outline plan conditions.

# **Outline Plan Conditions**

# OUTLINE PLAN CONDITIONS P.D. 21-41 TYLER HILLS PLANNED DEVELOPMENT

# I. USES PERMITTED:

- A. Single Family Detached Residential Units
- B. Accessory uses as regulated by Section 27 of the Zoning Ordinance for R-8 uses.

#### II. BULK REGULATIONS:

A. The bulk regulations of the R-8 Use District shall apply.

# III. ACCESS and CIRCULATION:

- Improve Old Covington Pike 34 feet from centerline in accordance with Subdivision Regulations.
- B. Provide one point of access to the east that will align with the stub street in Section B of the Sunset Lake Subdivision (S 98-018 CC). The street cross section shall match the proposed 45/30 cross section.
- C. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.
- D. The final plat shall reflect the appropriate width pedestrian/sidewalk/utility easement along both sides of all alternative design street dedications in accordance with Subdivision Regulations.
- E. The City Engineer shall approve the design, number and location of curb cuts.
- F. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- G. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
- H. The width of internal public or private roadways and private alleys shall be governed by the Subdivision Regulations

# IV LANDSCAPING AND SCREENING:

A. Screening along the subject property boundaries, excluding the frontage on Old Covington Pike, shall consist of a minimum of a six-foot-tall sight-proof wooden fence on brick columns. Columns shall be space a maximum of 40 feet apart.  If entryway treatments are proposed, a detailed landscape and entryway plan shall be submitted for review.

#### V. DRAINAGE:

- A. All drainage and sewer plans are subject to the review and approval of the City Engineer.
- B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

#### VI. SIGNS:

- All signs shall be subject to the signage requirements of the R-8 District
- Any entryway signage shall be illustrated on the Final Plat and subject to site plan review.

# VII. Modification by the Land Use Control Board:

The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, and other site requirements if equivalent alternatives are presented.

#### VIII. SITE PLAN REVIEW:

- A. A site plan shall be submitted to the Department of Planning and Development (DPD) for review and recommendation with notification to adjacent property owners, prior to or concurrent with the submittal of any final plan. The site plan should include proposed improvements, landscaping and other information as requested by the Office of Planning and Development. The Board shall consider the following factors:
  - Outline Plan Conditions
  - Landscaping and screening,
  - Access and circulation
  - Lot configuration
  - Compatibility of the design of site plans with the Sunset Lakes Subdivision

- IX. A final plat shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
  - The outline plan conditions.
  - A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions or buildable areas, parking areas, utility easements and drives.
  - The content of all landscaping and screening to be provided.
  - E. The location of trees and groups of trees to be preserved along within the required landscaping/screening areas.
  - F. The location and ownership, whether public or private, of any easement.
  - G. A statement conveying all common facilities to a property owner's association or the entity for ownership and maintenance purposes.
  - H. The following note shall be placed on the final plant of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and /or property owner's association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the cit and /or County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

# **City/County Engineer:**

CITY ENGINEERING COMMENTS DATE: 11/17/2021

CASE: PD-21-041 NAME: Tyler Hills PD

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Sewers:**

- 2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

# **Roads:**

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA
  compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City
  standards.
- 6. Dedicate 34 ft from the centerline of Covington Pike and improve with curb, gutter, and sidewalk.
- 7. Label streets as public or private.
- 8. If internal streets are to be dedicated as public, plans shall be submitted and approved reflecting the streets are to be built to City standards.
- 9. The proposed street along lots 46 55 is not compliant with the City of Memphis Fire Code and a turnaround shall be provided.

# **Traffic Control Provisions:**

10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

12. The developer's engineer shall submit a <a href="Trip Generation Report">Trip Generation Report</a> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

# **Drainage:**

- 13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

City/County Health Department: No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

#### **APPLICATION**



### Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: 11.04.2021	(	Case #: PD 00-327	-			
	PLEASE TY	PE OR PRINT				
Name of Development: Tyler Hills	Planned Development		,			
Property Owner of Record: Tyler	Hills LLC.	Phone #:				
Mailing Address: 6745 Whitten Pla	ace	City/State: Memphis, TN	Zip 38133			
Property Owner E-Mail Address:						
Applicant: Liberty Rents		Phone #				
Mailing Address: 8480 East Orcha	rd Road - Suite 1100	City/State: Geenwood Villag	City/State: Geenwood Village, CO Zip 80111			
Applicant E- Mail Address:			•			
		Phone #:				
		City/State:				
Representative E-Mail Address:			T			
Engineer/Surveyor: The Bray Firm		Phone #90	01.383.8668			
Mailing Address: 2950 Stage Plaza		City/State: Bartlett, TN				
Engineer/Surveyor E-Mail Addres						
Street Address Location: 3996 Ol						
Distance to nearest intersecting st		ngton Pike and at terminus of				
Maiden Grass, Sunset Lake, and Wa						
Area in Agree	Parcel 1 13.21 acres	Parcel 2 Pa 12.59	arcel 3			
Area in Acres: Existing Zoning:	R-10	R-10				
	vacant	vacant				
	R-8 SFR	R-8 SFR				
Existing Use of Property Requested Use of Property  Medical Overlay District: Per S Overlay District.  Unincorporated Areas: For resi following information:	R-8 SFR section 8.2.2D of the UD dential projects in unir	PC, no Planned Developments are	rase provide the			
Number of Residential Un	nits: n/a	Bedrooms:				
Expected Appraised Valu	e per Unit:	or Total Project:				

Amendment(s): Is	the applicant	applying	for an	amendment	to an	existing	Planned	Develop	oment?
				Yes		No ×	_		

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
   Existing properties to north and east have developed in the R-6 zoning district. The properties to the west and south are largely zoned R-10 but are acreage tracts. This proposed development would bridge the gap between the R-6 and R-10 zoning districts.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
  - Existing utilities are stubbed to the site and will be available for extension into this site.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
   The proposed development is in concert with surrounding developments
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
  - This development would transition from the existing developed R-6 areas to the largely undeveloped R-10 areas.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
   Yes
- Lots of records are created with the recording of a planned development final plan.
   Yes

#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Sept 2021 with Chip Saliba

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record

1/4/2021 Aug Sume

#### GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. <u>LETTER OF INTENT</u> The letter shall include the following:
  - A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

#### LETTER OF INTENT



Telephone 901-383-8668 Fax 901-383-8720

2950 Stage Plaza North Bartlett, Tennessee 38134

November 4, 2021

Josh Whitehead, Director Memphis and Shelby County Office of Planning and Development 125 North Main Street Memphis, Tennessee 38103

RE: Tyler Hills Planned Development 3996 Old Covington Pike Memphis, Tennessee

Mr. Whitehead:

Please find attached an application for a planned development for the above captioned property. This property was subject to a Planned Development plan (PD 00-327) that was approved and an outline plan recorded but no phase of the development was ever built. At the time of the approval, it was approved for R-6 uses on the property. The properties immediately north and east of the property are developed as R-6 single family residential properties. The subject property is now zoned R-10 and serves as the buffer between the existing R-6 developments on the east and north and the undeveloped but zoned R-10 properties on the west and south. We believe this development will represent a good transition between the two zoning districts. The plan has 92 lots on 26.12 acres with three COS lots that will be used for stormwater detention and private neighborhood pocket parks. A homeowners' association will be formed to provide for the maintenance of the lots. The completion of this development will provide additional points of connection from New Brownsville Road on the east side of Sunset Lakes to Old Covington Pike. The neighborhood meeting has not been scheduled yet for this site.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

#### **SIGN AFFIDAVIT**

#### **AFFIDAVIT**

Shelby County
State of Tennessee
on the 200 day of November , being duly sworn, depose and say that at 9 is am/pm on the 200 day of November , 2021, I posted Public Notice Sign(s) pertaining to Case No.PD2021-041 at Connection Notice Total Streets
providing notice of a Public Hearing before theLand Use Control Board,Memphis City Council,Shelby County Board of Commissioners for
consideration of a proposed Land Use Action (Planned Development,Special Use Permit,Zoning District Map Amendment,Street
and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of
Hury Blume Wesenbul, 2021
Owner, Applicant or Representative Date
Subscribed and sworn to before me this 15th day of <u>December</u> , 2021.
Patricia C Holden
Notary Public
My commission expires: 11-18-2024  TENNESSEE  NOTARY  COUNTY  TO STATE  OF THE PUBLIC  AND APPLICATION  OF THE PUBLIC  NOTARY  COUNTY  OF THE PUBLIC  OF THE PUBLIC  NOTARY  COUNTY  OF THE PUBLIC  OF THE PUBL
PIRES Novemer





Staff Report PD 21-41 December 9, 2021 Page 33





Staff Report PD 21-41 December 9, 2021 Page 36



#### **LETTERS RECEIVED**

No letters received at the time of completion of this report.



## Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: 11.04.2021	(	Case #: PD 00-327	anno and an			
	PLEASE TY	PE OR PRINT				
Name of Development: Tyler Hills	Planned Development	, , , , , , , , , , , , , , , , , , ,				
Property Owner of Record: Tyler	Hills LLC.	Pho	one #:			
Mailing Address: 6745 Whitten Pl	ace	City/State: Memphis	, TN Zip <u>38133</u>			
Property Owner E-Mail Address:	Note the Control of t	**************************************	***************************************			
Applicant: Liberty Rents		Ph	one #			
Mailing Address: 8480 East Orcha	rd Road - Suite 1100	City/State: Geenwoo	od Village, CO Zip 80111			
Applicant E- Mail Address:			_			
			Phone #:			
Mailing Address:		City/State:	Zip			
Representative E-Mail Address:						
Engineer/Surveyor: The Bray Firm		Pho	Phone #901.383.8668			
Mailing Address: 2950 Stage Plaza	North	City/State: Bartlett, T	ΓN <u>Zip</u> 38134			
Engineer/Surveyor E-Mail Addre	ss: dgbray@comcast.net					
Street Address Location: 3996 Ol	d Covington Pike					
Distance to nearest intersecting st Maiden Grass, Sunset Lake, and Wa		ngton Pike and at terminus of		<u>.</u>		
Area in Acres: Existing Zoning: Existing Use of Property Requested Use of Property	Parcel 1 13.21 acres R-10 vacant R-8 SFR	Parcel 2 12.59 R-10 vacant R-8 SFR	Parcel 3			
<b>Medical Overlay District</b> : Per S Overlay District.	ection 8.2.2D of the UD	C, no Planned Developme	nts are permitted in the M	Aedical		
<b>Unincorporated Areas:</b> For resifullowing information:	dential projects in unin	corporated Shelby Coun	ty, please provide the			
Number of Residential U	nits: n/a	Bedrooms:				
Expected Appraised Value	a nar Unit:	or Total Project	•			

Amendment(s): Is the applicant	applying for an	amendment to	an existing	Planned Dev	elopment?
		Yes	No_×	_	

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County. Existing properties to north and east have developed in the R-6 zoning district. The properties to the west and south are largely zoned R-10 but are acreage tracts. This proposed development would bridge the gap between the R-6 and R-10 zoning districts.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
  - Existing utilties are stubbed to the site and will be available for extension into this site.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

  The proposed development is in concert with surrounding developments
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
  - This development would transition from the existing developed R-6 areas to the largely undeveloped R-10 areas.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
   Yes
- Lots of records are created with the recording of a planned development final plan. Yes

#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Sept 2021 with Chip Saliba

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record

Date Applicant

# GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A <u>THE APPLICATION</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** The letter shall include the following:
  - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - b) A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

- development is to be designed, arranged and operated in order to limit impact to neighboring properties.
- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

#### C. OUTLINE PLAN

- 1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.
- 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan
- D. <u>SITE/CONCEPT PLAN</u> Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.
- E. <u>ELEVATIONS</u> Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

#### F. VICINITY MAP

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500'radius. If the 500'radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

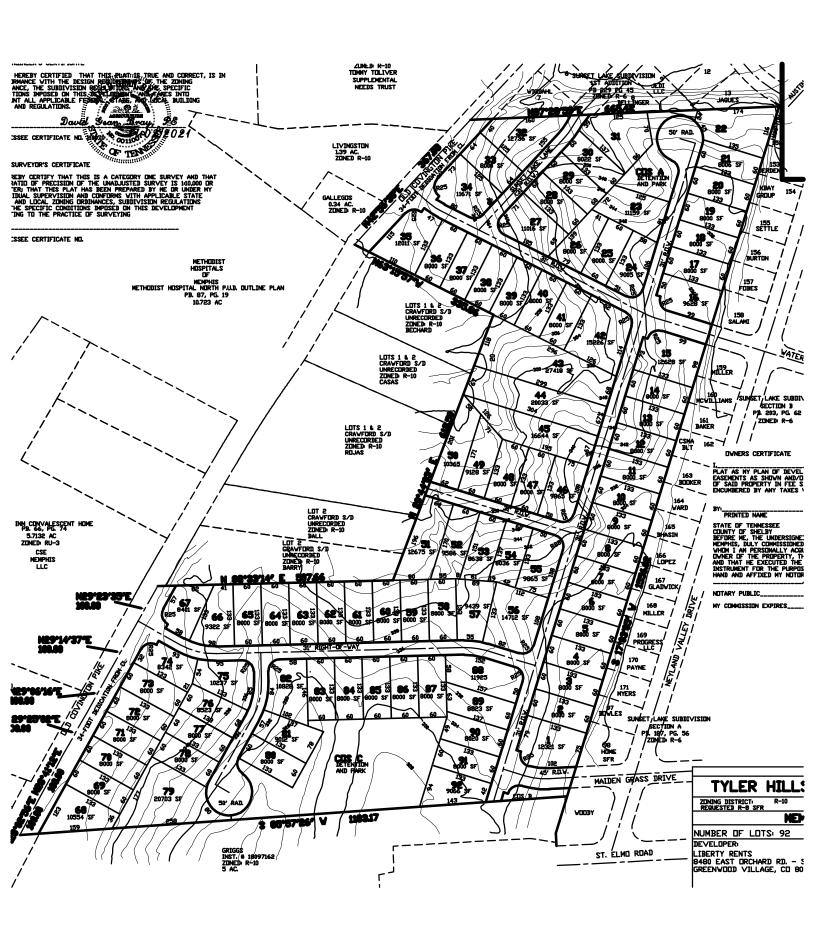
#### G. LIST OF NAMES AND ADDRESSES

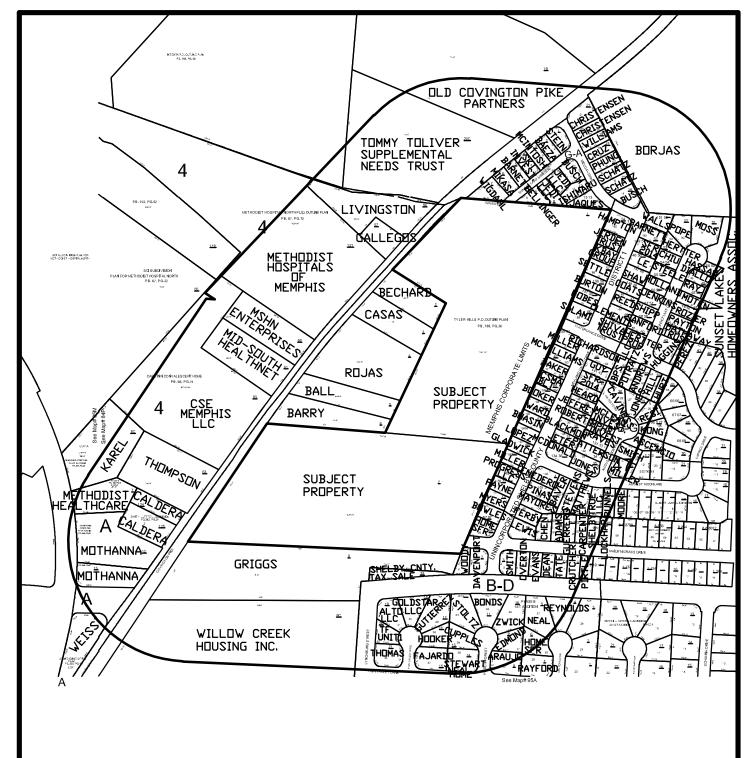
- 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
- 2) Two (2) self-adhesive mailing labels (1"x  $2^{5/8}$ ") each for the owner of record, applicant, representative and/or engineer/surveyor.

#### H. FILING FEES (All Fees Are Subject To Change without Prior Notice)

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

## \*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF





# TYLER HILLS PLANNED DEVELOPMENT DEVELOPER- LIBERTY RENTS

#### MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

ENGINEERING 2950 STAGE PLAZA NORTH BARTLETT, TENNESSEE NO∨EMBER 2, 2021 SURVEYING
TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=400'

Tyler Hills Planned Development Page 1 of 9

Liberty Rents 8480 East Orchard Road Ste. 100

Greenwood Village, CO 80111

The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Owner

Engineer

Elton Griggs & Trudy Griggs-White 3980 Vernon Ave.
Memphis, TN 38122-1563

Resident 3856 Covington Pike Memphis, TN 38135 Willow Creek Housing Inc. 11200 Rockville Pike Ste. 250 Rockville, MD 20852

Weiss Family L P 4017 Washington Rd. McMurray, PA 15317 Khalid Mothanna 8592 Napoli Dr. Memphis, TN 38018-1402 Juan & Maria Caldera 3869 Covington Pike Memphis, TN 38135

Methodist Healthcare P.O. Box 40127 Memphis, TN 38174-0127 Michael Karel 3355 Austin Peay Hwy Memphis, TN 38128-3810 Sharon & Helen Thompson 3895 Covington Pike Memphis, TN 38135-7200

CSE Memphis LLC 303 International Cir. Ste. 200 Hunt Valley, MD 21030-1359

Mid-South Healthnet Inc. 2057 Fletcher Creek Dr. Bartlett, TN 38133-7059

Methodist Hospitals of Memphis 1211 Union Ave 657 Memphis, TN 38104-6638

David & Laurie Gallegos 4 Club Ln Littleton, CO 80123-6611 Resident 3995 Covington Pike Memphis, TN 38135 Scott Livingston 4005 Covington Pike Bartlett, TN 38135

Tommy Toliver Supplemental Needs Trust 4043 Covington Pike Bartlett, TN 38135-1451

Old Covington Pike Partners 1922 Clarington Dr. Germantown, TN 38138 Monira Borjas 4080 Covington Pike Bartlett, TN 38135-1452

Albert & Mary Barry 9585 Mount Carmel Rd. Brighton, TN 38011-6913 Resident 3930 Covington Pike Memphis, TN 38135 Sidney Ball 3938 Covington Pike Bartlett, TN 38135-2369

### Tyler Hills Planned Development Page 2 of 9

Cesar C Rojas 3215 Lynchburg Memphis, TN 38134-3143 Jessica Casas 3942 Grey Rd. Memphis, TN 38108-2725 Resident 3970 Covington Pike Memphis, TN 38135

Wilfred & Lillian Bechard P.O. Box 321 Memphis, TN 38101-0321 Resident 3980 New Covington Pike Memphis, TN 38135 Shelby County Tax Sale 0405 EXH #16928 P.O. Box 2751 Memphis, TN 38101

Dwan Thomas 3817 Twin Valley Cv. Memphis, TN 38135 TF Unit 1 LLC 2 Ethan Allen Ct. Orangeburg, NY 10962-2705 Resident 3823 Twin Valley Cv. Memphis, TN 38135

Alto Asset Co. 1 LLC 5001 Plaza on the Lake Ste. 200 Austin, TX 78746-1053 Resident 3829 Twin Valley Cv. Memphis, TN 38135 Goldstar Home LLC 3840 Winchester Rd. Memphis, TN 38118-6044

Resident 3836 Twin Valley Cv. Memphis, TN 38135 Christian & Maria Gutierrez 97 Jerusalem Ave. Levittown, NY 11756-3717 Resident 3830 Twin Valley Cv. Memphis, TN 38135

Bruce & Emerita Hooker 3824 Twin Valley Cv. Memphis, TN 38135-2820 Jorge Fajardo 5290 Twin Valley Ln Bartlett, TN 38135-2822 Jonathan & Mary Stewart 3819 Hidden Forest Cv. Memphis, TN 38135-2819

Kristy P Cupples 3825 Hidden Forest Cv. Memphis, TN 38135-2819 Elizabeth Stoltz 500 Westover Dr. Unit 10747 Sanford, NC 27330-8941

Resident 3831 Hidden Forest Cv. Memphis, TN 38135

David & Ruby Bonds 3838 Hidden Forest Cv. Memphis, TN 38135-2819 William Zwick 3832 Hidden Forest Cv. Memphis, TN 38135-2819 Lester & Janice Edmond 3826 Hidden Forest Cv. Memphis, TN 38135-2819

Francisco & Claudia Araujo 3820 Hidden Forest Cv. Memphis, TN 38135 Joan & Robert Rayford 3815 Dry Fern Cv. Memphis, TN 38135 Home SFR Borrower II LLC 3505 Koger Blvd. Ste. 400 Duluth, GA 30096-7672

### Tyler Hills Planned Development Page 3 of 9

Resident 3821 Dry Fern Cv. Memphis, TN 38135 Latrice Neal 3827 Dry Fern Cv. Memphis, TN 38135-2806 Marilyn Reynolds 3834 Dry Fern Cv. Bartlett, TN 38135

Zuri Woody 5297 Maiden Grass Drive Bartlett, TN 38135 Lucious Davenport 5303 Maiden Grass Dr. Memphis, TN 38135-4224 Shonda Smith 5315 Maiden Grass Dr. Memphis, TN 38135-4224

Samuel Overton 5321 Maiden Grass Dr. Bartlett, TN 38135-4224 John Evans III 5327 Maiden Grass Dr. Memphis, TN 38135-4224 Martha Dean 5333 Maiden Grass Drive Memphis, TN 38135-4224

Angela Tate 5339 Maiden Grass Dr. Bartlett, TN 38135-4224 Eugene & Keisha Crutcher 5345 Maiden Grass Dr. Memphis, TN 38135-4224 Augustine Pirtle 5351 Maiden Grass Dr. Bartlett, TN 38135-4224

Inthawa & Dye Chen 5330 Maiden Grass Dr. Memphis, TN 38135-4223 Elisabeth Adams 5336 Maiden Grass Dr. Bartlett, TN 38135-4223

Juan Guerrero 5342 Maiden Grass Dr. Bartlett, TN 38135

Chakia Carpenter 5348 Maiden Grass Dr. Memphis, TN 38135

Jeremy Shelby 4456 Maiden Grass Dr. Memphis, TN 38135 Vicki Lockhart 5360 Maiden Grass Dr. Bartlett, TN 38135-4223

Resident 3875 Neyland Valley Dr. Memphis, TN 38135 Lisa & Zrano Bowles 3881 Neyland Valley Dr. Bartlett, TN 38135-4216 Mekeila Myers 3887 Neyland Valley Dr. Memphis, TN 38135-4216

James Payne & Kristy Pearson 3893 Neyland Valley Dr. Bartlett, TN 38135 Progress Residential Borrower 14 LLC P.O. Box 4090 Scottsdale, AZ 85261-4090 Resident 3899 Neyland Valley Dr. Memphis, TN 38135

Vickie Miller 3903 Neyland Valley Dr. Memphis, TN 38135-4216 Gladwick Properties LLC 16821 Coral Cay Ln. Huntington Beach, CA 92649-2908

Resident 3907 Neyland Valley Dr. Memphis, TN 38135

### Tyler Hills Planned Development Page 4 of 9

Alejandro Lopez 3911 Neyland Valley Dr Bartlett, TN 38135

Antonia & Teresa Ward 3921 Neyland Valley Dr. Memphis, TN 38135-4216

Resident 3931 Neyland Valley Dr. Memphis, TN 38135

Derrick Miller 3949 Neyland Valley Dr. Bartlett, TN 38135-4216

Chaunna Burton 3977 Neyland Valley Dr. Bartlett, TN 38135-4228

Resident 3991 Neyland Valley Dr. Memphis, TN 38135

Montrice Hampton 4005 Neyland Valley Dr. Bartlett, TN 38135-4228

Tomohito Ishimaru 1391 Kapiolani Blvd. Apt. 4311 Honolulu, HI 96814-4508

JEDI Investments 6388 Huntington Dr. Carlsbad, CA 92009-3080 Nivedita Bhasin 55 River Oaks Place Apt. 471

San Jose, CA 95134-2082

Calvin & Cecelia Booker 3925 Neyland Valley Dr. Bartlett, TN 38135

Robert & Sherry Baker 3935 Neyland Valley Dr. Memphis, TN 38125

Olawale & Olufunke Salami 3963 Neyland Valley Dr. Bartlett, TN 38135

Laura Settle 3983 Neyland Valley Dr. Bartlett, TN 38135-4228

Jerden Revocable Living Trust 11981 Rosebrook Ln. Arlington, TN 38002-4625

Joe & Amy Jaques 3630 E 3892 N Kimberly, ID 83341-5150

Kristin Busch 5912 SE Lafayette St. Portland, OR 97206-2850

Resident 4036 Sunset Lake Ln. Memphis, TN 38135 Resident 3915 Neyland Valley Dr. Memphis, TN 38135

CSMA BLT LLC 1850 Parkway Place Ste. 900 Marietta, GA 30067-8261

Viola & Richard McWilliams & Nikeita Titang (RS) 3941 Neyland Valley Ln Memphis, TN 38135-4216

Lee Fobes 3971 Neyland Valley Dr. Bartlett, TN 38135-4228

KBAY Group LLC P.O. Box 4936 Kaneohe, HI 96744-8936

Resident 3997 Neyland Valley Dr Memphis, TN 38135

Resident 5347 Meegan Dr. Memphis, TN 38135

Resident 4040 Sunset Lake Ln Memphis, TN 38135

Resident 4030 Sunset Lake Ln. Memphis, TN 38135

### Tyler Hills Planned Development Page 5 of 9

Marlon Bellinger 5006 Sevilla St. Santee, CA 92071-5625

4026 Sunset Lake Ln Memphis, TN 38135

Resident

James Wighahl 2101 Sun Valley Rd. San Marcos, CA 92078

Resident 4017 Sunset Lake Ln Memphis, TN 38135 Mikasa Sukaza LLC 1672 Lone Oak Dr. Draper, UT 84020-5530 Resident 4021 Sunset Lake Ln. Memphis, TN 38135

Ron Barnett 8209 Carranzo Dr. Austin, TX 78735-1820 Resident 4025 Sunset Lake Ln. Memphis, TN 38135 SKT Investments 2605 Nonconnah Blvd. Ste. 150

Memphis, TN 38132-2128

Resident 4029 Sunset Lake Ln. Memphis, TN 38135 Eureka McIntosh 4033 Sunset Lake Ln. Bartlett, TN 38135 Nestor Baeza & Eric Hughes 88 Greenwch St. Apt 1610 New York, NY 10006-2239

Resident 4037 Sunset Lake Ln Memphis, TN 38135 Jonathan Stein 39 Fairway St. Bloomfield, NJ 07003-5515 Resident 4041 Sunset Lake Ln Memphis, TN 38135

John Christensen 1544 Avolencia Dr. Fullerton, CA 92835-3718 Resident 5326 Meegan Dr. Memphis, TN 38135 Resident 5330 Meegan Dr. Memphis, TN 38135

Gilbert Williams 5334 Meegan Dr. Bartlett,TN 38135 Jonathan & Gilma Cruz 5338 Meegan Dr. Bartlett, TN 38135 Thuy Phung 5342 Meegan Dr. Bartlett, TN 38135-4235

Thad Schatz 2019 W West Wind Santa Ana, CA 92704-7145 Resident 5346 Meegan Dr. Memphis, TN 38135 Resident 5350 Meegan Dr. Memphis,TN 38135

Resident 5354 Meegan Dr. Memphis, TN 38135 Sunset Lakes Homeowners Assoc. 890 Willow Tree Circle #1 Cordova, TN 38018 Robert Moss 4009 Sunset Lake Cv. Memphis, TN 38135-4214

### Tyler Hills Planned Development Page 6 of 9

Gerar & Cassandra Pope 4003 Sunset Lake Cv. Memphis, TN 38135-4214 Ryan Hertter 4700 Wild Fern Dr. Bartlett, TN 38135-1114 Resident 3997 Sunset Lake Cv. Memphis, TN 38135

Chiu Lin Inc 421 N Mendenhall Rd. Memphis, TN 38117-1915 Resident 3991 Sunset Lake Cv. Bartlett, TN 38135 Tygima Steele 3985 Sunset Lake Cv. Memphis, TN 38135

Matthew Holland 829 Matadero Ave Palo Alto, CA 94306-2606 Resident 3979 Sunset Lake Dr. Bartlett, TN 38135 Sherida Jenkins 3973 Sunset Lake Cv. Memphis, TN 38135

Octavia Shipp 3967 Sunset Lake Cv. Bartlett, TN 38135 Sharon Sanford 3961 Sunset Lake Cv. Memphis, TN 38135-4214 Hertter Properties LLC 3668 Castle Pointe Dr. Southaven, MS 38672

Resident 3955 Sunset Lake Cv. Bartlett, TN 38135 Shiva Living Trust 185 Ivy Grove Ln Collierville, TN 38017 Resident 3962 Neyland Valley Dr. Memphis, TN 38135

Beverly Clements 3966 Neyland Valley Dr. Memphis, TN 38135 Larry Reed 3972 Neyland Valley Dr. Bartlett, TN 38135 Nyla & Jaterius Coats 3978 Neyland Valley Dr. Bartlett, TN 38135-4227

Carl & Andrea Shaw 3984 Neyland Valley Dr. Bartlett, TN 38135-4277 Kelly & Minh Le 3992 Neyland Valley Dr. Bartlett, TN 38135 SFR 2014-TN LLC 23975 Park Sorrento Ste. 300 Calabasas, CA 91302-4012

Resident 3998 Neyland Valley Dr. Memphis, TN 38135 Tomika D Barnett 4002 Neyland Valley Dr. Memphis, TN 38135-4227 Angel Walls 4008 Neyland Valley Dr. Bartlett, TN 38135-4227

Asad & Maissa Hassan 3998 Sunset Lake Cv. Memphis, TN 38135-4214 Madiou & Oumou Diallo 3992 Sunset Lake Cv. Bartlett, TN 38135-4214

Renitta Ray 3986 Sunset Lake Cv. Bartlett, TN 38135

### Tyler Hills Planned Development Page 7 of 9

Chicola Moten 3980 Sunset Lake Cv Memphis, TN 38135-4214 Casey & Rosalind Rozier 3974 Sunset Lake Cv. Memphis, TN 38135-4214 Cedrick Payton 3968 Sunset Lake Cv. Bartlett, TN 38135-4214

Virginia Hathaway Living Trust 29 Concord Ave. Apt. 102

Cambridge, MA 02138-2327

Resident 3962 Sunset Lake Cv. Bartlett, TN 38135 Zabrina Huggins 3956 Sunset Lake Cv. Bartlett, TN 38135-4214

Antonio & Stephanie Perez 5384 Waterdance Dr. Bartlett, TN 38135-4217 Brenda Hurt 5381 Waterdance Dr. Memphis, TN 38135-4218 Penny Hill PO Box 901596 Palmadle, CA 93590

Resident 5375 Waterdance Dr. Memphis, TN 38135 McKenzey Andrews 8811 E Shelby Dr. Memphis, TN 38125-3241 Resident 5369 Waterdance Dr. Bartlett, TN 38135

Samuel & Alyssa Potratz 5363 Waterdance Dr. Memphis, TN 38135-4218 ABPS LLC PO Box 8722 La Jolla, CA 92038 8722 Resident 5357 Waterdance Dr. Memphis, TN 38135

Edward & Maxine Richardson 3950 Neyland Valley Dr. Memphis, TN 38135 Theresa Guy 3944 Neyland Valley Dr. Bartlett, TN 38135 Resident 3940 Neyland Valley Dr. Bartlett, TN 38135

Sandra Heard 3934 Neyland Valley Dr. Bartlett, TN 38135-4215 Charles & Vella Jeffrey 3930 Neyland Valley Dr. Bartlett, TN 38135 Jason & Ann Marie Roberts 17425 Jessica Ln Chino Hills, CA 91709

Resident 3924 Neyland Valley Dr. Bartlett, TN 38135 Linnie & William Blackmon 3920 Neyland Valley Dr. Bartlett, TN 38135 Velvet Jeter 3914 Neyland Valley Dr. Bartlett, TN 38135

Stacy McDonald 3910 Neyland Valley Dr. Bartlett, TN 38135-4215 James Jones 3905 August Moon Cv. Bartlett, TN 38135-4231 Hosea Patterson 3909 August Moon Cv Bartlett, TN 38135

### Tyler Hills Planned Development Page 8 of 9

Edwena Graves 3913 August Moon Cv. Bartlett, TN 38135-4231 Memphis Investment Properties III LLC 4701 Summer Ave.
Memphis TN 38122-4729

Resident 3917 August Moon Cv. Bartlett, TN 38135

McLean SFR Investments LLC 6836 Morrison Blvd. Ste. 430 Charlotte, NC 28211-2668

Resident 3921 August Moon Cv. Bartlett, TN 38135 Samuel & Yadira Caviness 3925 August Moon Cv. Bartlett, TN 38135

Bernadettte Jones PO Box 281760 Memphis, TN 38135-0006 Resident 3929 August Moon Cv. Bartlett, TN 38135 RESI TL1 Borrower LLC 3505 Koger Blvd. Ste. 400 Duluth, GA 30096-7672

Resident 3926 August Moon Cv. Bartlett, TN 38135 Sokhoeurn Kong & Bopha Yos 1182 Pallwood Rd. Memphis, TN 38122 Resident 3920 August Moon Cv. Memphis, TN 38135

Dionicio Ascencio 3916 August Moon Cv. Bartlett, TN 38135 Anthony & Jacqueline Smith 3908 August Moon Cv. Bartlett, TN 38135 Sean Miller 3904 August Moon Cv. Bartlett, TN 38135-4231

Janeen Moore 5359 August Moon Ln Bartlett, TN 38135 Larry & Carrie Runnels 5355 August Moon Ln Bartlett, TN 38135 True MEM2016 LLC 1024 Bayside Dr. Ste. 205 Newport Beach, CA 92660

Resident 5349 August Moon Ln Bartlett, TN 38135 Felicia Matthews 5343 August Moon Ln Bartlett, TN 38135 Brenda Stevens 5339 August Moon Ln Bartlett,TN 38135

Bradley Baver 111 S Hightland #153 Memphis, TN 38111

Resident 5333 August Moon Ln Bartlett, TN 38135 Mechielyn Tenedero 3900 Neyland Valley Dr. Bartlett, TN 38135

Gibson Pinas 3894 Neyland Valley Dr. Bartlett, TN 38135 Marissa & Luisito Mayores 3888 Neyland Valley Dr. Bartlett, TN 38135

Jacqueline Ferby 3882 Neyland Valley Dr. Bartlett, TN 38135 Tyler Hills Planned Development Page 9 of 9

Sophia Lewis 3876 Neyland Valley Dr. Bartlett, TN 38135

sa



Telephone 901-383-8668 Fax 901-383-8720

2950 Stage Plaza North Bartlett, Tennessee 38134

November 4, 2021

Josh Whitehead, Director Memphis and Shelby County Office of Planning and Development 125 North Main Street Memphis, Tennessee 38103

RE: Tyler Hills Planned Development 3996 Old Covington Pike Memphis, Tennessee

Mr. Whitehead:

Please find attached an application for a planned development for the above captioned property. This property was subject to a Planned Development plan (PD 00-327) that was approved and an outline plan recorded but no phase of the development was ever built. At the time of the approval, it was approved for R-6 uses on the property. The properties immediately north and east of the property are developed as R-6 single family residential properties. The subject property is now zoned R-10 and serves as the buffer between the existing R-6 developments on the east and north and the undeveloped but zoned R-10 properties on the west and south. We believe this development will represent a good transition between the two zoning districts. The plan has 92 lots on 26.12 acres with three COS lots that will be used for stormwater detention and private neighborhood pocket parks. A homeowners' association will be formed to provide for the maintenance of the lots. The completion of this development will provide additional points of connection from New Brownsville Road on the east side of Sunset Lakes to Old Covington Pike. The neighborhood meeting has not been scheduled yet for this site.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.



# Tom Leatherwood Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



#### WARRANTY DEED

THIS INDENTURE, made by and between Rose G. Cervetti,	and entered into this _ UNMARRIED	29th day o	September	2005
			hereinafte	er called Grantor.
and Tyler Hills, LLC, a Tennessee Li	mited Liability Company			
			bereinafte	r called Grantee.
WITNESSETH: That for the hereby bargain, sell, convey and	consideration hereinaft	er expressed the G	rantor has bargained a	nd sold and does
•	County of			
SEE ATTACHED EXHIBIT "A"				
The aforedescribed real proby ESTELLE B. SANDID in the Register's Office of S of their marriage, neither withe death of MIKE CERV CERVETTI, conveys as su	GE, by deed dated MAY helby County, Tennesse as a party to any other m ÆTTI in Shelby Count	(1, 1963, and record e. ROSE G. CERV) arriage; their marriag v. Tennessee, on O	led at BOOK 5023, PACETTI covenants that at t	GE 229, he time
087-078-00001  Being all or part of same proper WARRANTY DEED BOOK 5023, PAGE 229  TO HAVE AND TO HOLD the belonging or in any wise appertably the entirety or, if not husband	aforesaid real estate, tog aining unto the Grantee,	gether with all the ap Grantee's heirs and	purtenances and hered assigns, in fee simple	itaments thereunto forever as tenants
The Grantor does hereby cove estate; that the Grantor has a go not yet due but constituting a lie	od right to sell and conve en which are assumed b	ey the same; that the by Grantee:		
and any subdivision restrictions	of record PLAT BOOK 18	8, PAGE 36		
and any existing easements of	record PLAT BOOK 188, PAGE	E 36; CB-335-336; 1620-37;		
And that the title and quiet posse	ession Grantor warrants	and will forever defe	nd against the lawful cla	ims of all persons.
Any reference to recorded instru	iments is reference to the	he Register's Office	in said County.	
The word "party" as used here shall be construed according to				d to, and pronouns
THE CONSIDERATION for the of which is hereby acknowledge	- ·	ollars and other goo	d and valuable conside	rations, the receipt
WITNESS the signature of the	e party of the first part t	he day and year firs	st above written.	

JOHN M. CERVETTI, ATTORNEY-IN-FACT

#### STATE OF TENNESSEE COUNTY OF SHELBY I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property 145,310.00 transferred whichever is greater, is \$\_ which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. Affiant Subscribed and sworn to before me this the day of NUTUR Notary WILL My commission expires:

Property Owner and Address:

TYLER HILLS, LLC 6745 WHITTEN PLACE MEMPHIS, TENNESSEE 38133

Person or Agency responsible for payment of taxes:

Name: FIRST CITIZENS NATIONAL BANK

Address: 7580 HIGHWAY 70

BARTLETT, TENNESSEE 38133

Property Address: 13.21 acres on Covington Pike Road

Memphis, TN

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary of said State and County, aforesaid, personally appeared JOHN M. CERVETTI, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument on behalf of ROSE G. CERVETTI and acknowledged that he executed the same as the free act and deed of the said ROSE G. CERVETTI.

WITNESS my hand and seal, this 29<sup>TH</sup> day of September, 2005.

My Commission Expires:

OF STATE OF

Notary Public

Title No. 05-1118JC

EXHIBIT "A"

Property Line Description
Of the Mike and Rose G. Cervetti Property
As Recorded in Bk 5023, Pg. 229
In the Register's Office of Shelby County, Tennessee,
Said property located in Memphis, Shelby County, Tennessee
And more particularly described as follows:

Beginning at a point in the centerline of Old Covington Pike (40' R.O.W.) and the northwest corner of Lot 1 of the W. E. Crawford S/D said point also being in the south line of the proposed 1st Addition, Sunset Lakes S/D; thence S 35 degrees 56 minutes 32 seconds W along said centerline a distance of 192.88 feet to a point; thence S 34 degrees 58 minutes 48 seconds W along said centerline a distance of 161.07 feet to the Martindale northwest corner (Inst. # N 3 1942); thence S 64 degrees 07 minutes 48 seconds E along the Martindale north line a distance of 305.72 feet to a found iron pin; thence S 19 degrees 53 minutes 02 seconds W along the east line of the Martindale, Smith, Martindale, Dillard and Barry tracts a distance of 604.22 feet to a point in the north line of the Pelts tract (Inst. # KU 4773); thence N 88 degrees 09 minutes 00 seconds E along said north line a distance of 506.65 feet to a point in the west line Section B, Sunset Lakes S/D (Bk 203, Pg. 62); thence N 17 degrees 03 minutes 05 seconds E along said west line a distance of 1049.31 feet to a point in the south line of said 1st Addition, Sunset Lakes S/D; thence S 87 degrees 28 minutes 59 seconds W along said south line a distance of 678.25 feet to the point of beginning and containing a total of 13.21 acres of land, which includes

0.16 acres of land is located in Old Covington Pike.

